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THURSDAY, OCTOBER 21, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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372	45024
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1615	43917
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140	46435
145	46435
200	44695
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210	45030
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19 CFR

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18	43922
123	43922
144	43922

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405	46291
416	43399

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416	44192
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658	44014

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558	44381
561	43896
630	43400
1308	43401

PROPOSED RULES:

27	45582
341	46009
809	46009
1000	44421
1010	43412

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23 CFR

140	45547
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32A CFR

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34 CFR

PROPOSED RULES:

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35 CFR

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36 CFR

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reminders

(The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOD—Negotiated contract awards; list of contractors.................. 40466; 9–20–76

DOT/FAA—Standard Instrument Approach Procedures; various states (2 documents)........................ 37101; 9–2–76; 38764; 9–13–76

SEC—Investment Advisors Act; papers and applications requirements and procedures.......................... 39019; 9–14–76

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 2177...................... Pub. Law 94–511
To exempt from duty certain aircraft components and materials installed in aircraft previously exported from the United States where the aircraft is returned without having been advanced in value or improved in condition while abroad
(Oct. 15, 1976; 90 Stat. 2440)

H.R. 2749...................... Pub. Law 94–512
To name a portion of the site of the Anthony J. Celebreeze Federal Building in Cleveland, Ohio, the "George Washington Square"
(Oct. 15, 1976; 90 Stat. 2441)

H.R. 4206...................... Pub. Law 94–513
To designate the new Federal building in Albuquerque, New Mexico, as the "Senator Dennis Chavez Federal Building"
(Oct. 15, 1976; 90 Stat. 2442)

H.R. 7929...................... Pub. Law 94–514
Relating to the deduction of interest on certain corporate indebtedness to acquire stock or assets of another corporation.
(Oct. 15, 1976; 90 Stat. 2443)

H.R. 11303...................... Pub. Law 94–506
To designate the "Herman T. Schneebeli Federal Building"
(Oct. 15, 1976; 90 Stat. 2435)

H.R. 11347...................... Pub. Law 94–505
To authorize conveyance of the interests of the United States in certain lands in Salt Lake County, Utah, to Shriners' Hospitals for Crippled Children, a Colorado corporation.
(Oct. 15, 1976; 90 Stat. 2429)

H.R. 14956...................... Pub. Law 94–507
To designate the "Joe L. Evins Post Office and Federal Building"
(Oct. 15, 1976; 90 Stat. 2436)

H.R. 14977...................... Pub. Law 94–515
To name the Federal office building in Athens, Georgia, the "Robert G. Stephens, Jr. Federal Building"
(Oct. 15, 1976; 90 Stat. 2444)

H.R. 15059...................... Pub. Law 94–517
To amend the Emergency Livestock Credit Act of 1974.
(Oct. 15, 1976; 90 Stat. 2446)

H.R. 15136...................... Pub. Law 94–508
Supplemental Authorization Act for Military Construction on Guam
(Oct. 15, 1976; 90 Stat. 2437)

H.R. 15582...................... Pub. Law 94–516
To name the Federal office building in Bluefield, West Virginia, the "Elizabeth Kee Federal Building"
(Oct. 15, 1976; 90 Stat. 2445)

H.J. Res. 1118...................... Pub. Law 94–504
To provide that qualified individuals may hear and determine claims for benefits under title IV of the Federal Coal Mine Health and Safety Act of 1969, and to provide for appeal to superior agency authority from any such determination
(Oct. 15, 1976; 90 Stat. 2428)

S. 726...................... Pub. Law 94–509
To direct the Secretary of the Interior to convey, for fair market value, certain lands to Valley County, Idaho
(Oct. 15, 1976; 90 Stat. 2438)

S. 969...................... Pub. Law 94–502
Veterans' Education and Employment Assistance Act of 1976
(Oct. 15, 1976; 90 Stat. 2383)

S. 999...................... Pub. Law 94–510
To designate the Federal office building located in Dover, Delaware, as the "J. Allen Frear Building"
(Oct. 15, 1976; 90 Stat. 2439)

S. 2212...................... Pub. Law 94–503
Crime Control Act of 1976
(Oct. 15, 1976; 90 Stat. 2407)

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are hereby prescribed to Parts 100, 238, 299, 316a and 499 of Chapter I of Title 8 of the Code of Federal Regulations.

In Part 100, § 100.4(c) subparagraph (1) *Interior locations*, is amended by adding the Service's files control office at Las Vegas, Nev., to the list of interior locations designated as suboffices. In subparagraph (2), *Ports of entry for aliens arriving by vessel or by land transportation*, District No. 39 is amended by deleting "San Diego, Calif." from the listing of Class A ports shown thereunder, and by substituting therefor "San Ysidro Port of Entry, Calif." In § 100.4(d), *Border Patrol Sectors*, Sector No. 6 is amended by adding "Duluth, Minn." as a border patrol station, and by redesignating "Grand Marais, Minn.", as a substation thereof. Sector No. 11 is amended by adding "Jacumba, Calif." as a substation of the border patrol station at Campo, Calif., and by adding "Julian, Calif.", as a substation of the border patrol station located at El Cajon, Calif.

An agreement for preinspection at Victoria, B.C., Canada, of flights of Airwest Canada, destined to the United States, has been entered into between that line and the Commissioner of Immigration and Naturalization pursuant to sections 103 and 238(b) of the Immigration and Nationality Act. Accordingly, in Part 238, § 238.4, *Preinspection outside the United States*, is amended by adding "Airwest Canada" to the listing of transportation lines which have entered into agreements for the preinspection of their passengers and crews at the designated place outside the United States.

A number of immigration and nationality forms have been revised and now reflect more recent edition dates. Accordingly, the lists of prescribed forms shown in Parts 299 and 499 at §§ 299.1 and 499.1 respectively, are amended to reflect the current revision dates of the specified forms.

On August 27, 1976, it was determined that the California State University at Long Beach, Department of Geological Sciences, is an American institution of research for the purpose of preserving residence in the United States for naturalization. Accordingly, in Part 316a, § 316a.2, *American institutions of research*, the listing is amended by adding "California State University at Long Beach, Department of Geological Sciences" to the list of institutions therein.

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 100—STATEMENT OF ORGANIZATION

In § 100.4, paragraphs (c)(1), (c)(2) and (d) are amended as follows:

§ 100.4 Field Service.

* * * * *

(c) *Suboffices*. The following offices, in addition to the facilities maintained at Class A ports of entry listed in paragraph (2) of this section, indicated by asterisk, are designated as suboffices:

(1) *Interior locations*.

Albany, N.Y.
Alburquerque, N. Mex.
Boise, Idaho
Cincinnati, Ohio
Dallas, Tex.
Fairbanks, Alaska
Fresno, Calif.
Harlingen, Tex.
Las Vegas, Nev.
Memphis, Tenn.
Pittsburgh, Pa.
Reno, Nev.
Sacramento, Calif.
Salt Lake City, Utah
St. Louis, Mo.
Spokane, Wash.
Syracuse, N.Y.
Tucson, Ariz.

(2) *Ports of entry for aliens arriving by vessel or by land transportation*. * * *

* * * * *

DISTRICT NO. 39—SAN DIEGO, CALIF.

CLASS A

*Andrade, Calif.
*Calexico, Calif.
*San Ysidro Port of Entry, Calif.
*Tecate, Calif.

* * * * *

(d) *Border Patrol Sectors*. Border Patrol sector headquarters and stations are situated at the following locations:

* * * * *

SECTOR NO. 6—GRAND FORKS, N. DAK.

Bottineau, N. Dak.
Duluth, Minn. (Gran Marais, Minn.)
Grand Forks, N. Dak.
International Falls, Minn.
Pembina, N. Dak.
Portal, N. Dak.
Warroad, Minn.

* * * * *

SECTOR NO. 11—CHULA VISTA, CALIF.

Campo, Calif. (Jacumba, Calif.)
Chula Vista, Calif.
El Cajon, Calif. (Julian, Calif.)
Oxnard, Calif.
San Clemente, Calif.
San Luis Obispo, Calif.
Temecula, Calif.

* * * * *

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

In § 238.4 *Preinspection outside the United States*, the listing of transportation lines under "At Victoria" is amended by adding thereto in alphabetical sequence: "Airwest Canada".

* * * * * * *

PART 299—IMMIGRATION FORMS

§ 299.1, the listing of forms is amended to reflect the current edition dates of the following forms:

§ 299.1 Prescribed forms.

Form No.	*Title and description*
* * *	* * * *
G-641 (4-1-76)	Application for Verification of Information From Immigration and Naturalization Records.
* * *	* * * *
I-17 (8-6-76)	Petition for Approval of School for Attendance by Nonimmigrant Alien Students.
I-20 (4-1-76)	Certificate of Eligibility (for nonimmigrant F-1 student status).
* * *	* * * *
I-90 (4-1-76)	Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I-151.
* * *	* * * *
I-126 (3-26-76)	Report of Status by Treaty Trader or Investor.
I-129B (2-25-76)	Petition To Classify Nonimmigrant as Temporary Worker or Trainee.

Form No.	*Title and description*
I-129F (2-25-76)	Petition To Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa.
* * *	* * * *
I-131 (4-1-76)	Application for Issuance or Extension of Permit To Reenter the United States.
I-134 (3-1-76)	Affidavit of Support.
* * *	* * * *
I-140 (4-1-76)	Petition To Classify Preference Status of Alien on Basis of Profession or Occupation.
* * *	* * * *
I-191 (2-26-76)	Application for Advance Permission To Return to Unrelinquished Domicile.
I-192 (2-25-76)	Application for Advance Permission To Enter as Nonimmigrant.
I-193 (3-23-76)	Application for Waiver of Passport and/or Visa.
I-196 (5-3-76)	Application for U.S. Citizen Identification Card.
I-197 (5-1-76)	U.S. Citizen Identification Card.
* * *	* * * *
I-212 (2-24-76)	Application for Permission To Reapply for Admission into the United States after Deportation or Removal.
* * *	* * * *
I-246 (2-27-76)	Application for Stay of Deportation.
I-256A (4-1-76)	Application for Suspension of Deportation.
* * *	* * * *
I-290A (4-1-76)	Notice of Appeal to the Board of Immigration Appeals.
I-290B (3-26-76)	Notice of Appeal to Regional Commissioner.
* * *	* * * *
I-292 (5-1-76)	Decision.
I-296 (3-15-76)	Notice to Alien Ordered Excluded by Special Inquiry Officer.
I-305 (5-1-76)	Receipt of Immigration Officer—United States Bonds or Notes, or Cash, Accepted as Security on Immigration Bond.
* * *	* * * *
I-312 (4-15-76)	Designation of Attorney in Fact.
* * *	* * * *
I-485 (4-1-76)	Application for Status as Permanent Resident.
* * *	* * * *
I-506 (4-1-76)	Application for Change of Nonimmigrant Status.
* * *	* * * *
I-539 (4-1-76)	Application To Extend Time of Temporary Stay.
I-550 (4-1-76)	Application for Verification of Lawful Permanent Residence of an Alien.
I-570 (4-1-76)	Application for Issuance or Extension of Refugee Travel Document.
* * *	* * * *
I-600 (3-1-76)	Petition To Classify Orphan as an Immediate Relative.
I-601 (4-1-76)	Application for Waiver of Grounds of Excludability Under Section 212 (g), (h), or (i) of the Immigration and Nationality Act.
I-612 (2-25-76)	Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act, as amended.

* * * * * * *

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.2 [Amended]

In § 316a.2 *American institutions of research*, the listing of research institutions is amended by adding thereto in alphabetical sequence the following institution: "California State University at Long Beach, Department of Geological Sciences".

* * * * * * *

PART 499—NATIONALITY FORMS

In § 499.1, the listing of forms is amended to reflect the current edition dates of the following forms:

§ 499.1 Prescribed forms.

Form No.	*Title and description*
G-641 (4-1-76)	Application for Verification of Information From Immigration and Naturalization Records.

* * * * * * *

Form No.	*Title and description*
N-400 (5-1-76)	Application To File Petition for Naturalization.
* * *	* * * *
N-402 (9-27-75)	Application To File Petition for Naturalization in Behalf of a Child (under sec. 322 or 323, Immigration and Nationality Act).
* * *	* * * *
N-426 (7-15-76)	Certification of Military or Naval Service.
* * *	* * * *
N-445 (5-6-76)	Notice to Petitioner To Appear in Court for Final Hearing on Petition for Naturalization, and Questionnaire To Be Submitted by Petitioner at the Final Hearing.
* * *	* * * *
N-455 (4-1-76)	Application for Transfer of Petition for Naturalization.
* * *	* * * *
N-565 (4-1-76)	Application for a New Naturalization or Citizenship Paper.
* * *	* * * *
N-577 (4-1-76)	Application for a Special Certificate of Naturalization To Obtain Recognition as a Citizen of the United States by a Foreign State.
* * *	* * * *
N-600 (5-1-76)	Application for Certificate of Citizenship.

(Sec. 103; 66 Stat. 173 (8 U.S.C. 1103).)

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendments to §§ 100.4(c)(1), 100.4(c)(2), 299.1 and 499.1 are editorial in nature; the amendments to § 100.4(d) relate to agency organization and management; the amendment to § 238.4 adds a transportation line to the listing; and the amendment to § 316a.2 adds an institution of research to the listing.

Effective date: The amendments set forth and prescribed in this order shall become effective on October 21, 1976.

Dated: October 18, 1976.

L. F. Chapman, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.76-30932 Filed 10-20-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0020]

PART 206—SECURITIES OF MEMBER STATE BANKS

Adoption of Proposed Amendments

By notice of proposed rulemaking of February 26, 1976, appearing in the Federal Register (41 FR 8394 (1976)), the Board of Governors, pursuant to its authority under section 12(i) of the Securities Exchange Act of 1934, as amended (15 U.S.C. § 781(i)), proposed to revise its regulations governing Securities of Member State Banks (12 CFR § 206) in order that they be substantially similar to comparable rules and regulations issued by the Securities and Exchange Commission ("SEC"). The proposed revisions would expand the disclosure required by the quarterly reporting form under Regulation F (Form F-4), require disclosure of selected financial data in notes to annual financial statements of certain registrants, and change the terminology and placement of certain items in financial statements in order to adhere more closely to generally accepted accounting principles and recently revised supervisory Reports of Condition and of Income.

A. As a result of a review of the proposed revision and of the comments received thereon, the following is the only change made regarding the proposed amendments, in addition to clarifying language changes:

The due date for filing a Form F-4 has been changed from the thirtieth day to the forty-fifth day after the end of each of the first three fiscal quarters of each fiscal year. This change, which is consistent with filing requirements set by the SEC with respect to quarterly reports, will allow reporting banks an additional 15 days in which to prepare and submit the expanded Form F-4.

B. The Board received other comments suggesting revisions to the proposed amendments; however, the Board has determined that such revisions are not appropriate because they do not conform to generally accepted financial accounting and reporting practices, would make the proposed amendments not substantially similar to comparable SEC rules or would otherwise not be feasible. Section 12(i) of the Securities Exchange Act of 1934 generally requires the Board to maintain substantial similarity between Regulation F and comparable SEC rules.

Specifically, one commentator suggested that the proposed summarized statement of changes in financial position be stated in terms of average daily balances instead of end-of-quarter figures as the Board proposed. The commentator believes average daily balances would more accurately reflect a bank's change in financial position because substantial fluctuations may occur in a bank's statement of condition from day to day. Although the suggestion may have merit, the Board believes that adoption of it would not be feasible at this time. A considerable number of member banks registered under Regulation F lack the computer data processing capacity to compute average daily balances. Further development of means of computing average daily financial data by banks would be necessary before the Board should require reporting in terms of average daily balances, and thus the Board rejected this particular suggestion to avoid placing an undue burden on registrants who do not as yet compile such data. Further, the proposed statement of changes in financial position conforms to present financial reporting standards and to SEC regulations.

Another commentator recommended that the proposed revision that would require the reporting of subordinated notes and debentures on Regulation F balance sheets as liabilities rather than as capital accounts be modified to distinguish between different types of subordinated debt instruments. This commentator agreed that subordinated debt on which interest and principal are payable unconditionally should properly be classified as a liability; however, the commentator believes that subordinated debt on which the payment of principal and interest is expressly dependent upon earnings and adequacy of capital should be classified as capital. This suggestion conceivably might be appropriate if there were many outstanding subordinated debt issues payable solely out of an issuer's earnings, as there once were in the 1930's. However, since the incidence of such subordinated issues is rare, if any are outstanding at all, there is no necessity for such a revision to the Board's proposed amendment.

C. The following two matters were mentioned in the Federal Register notice of the proposed amendments and are repeated herein to ensure that the effects of certain of the amendments are clearly understood.

1. The amendments to Form F-4 include a provision for balance sheet data as of the end of the most recent quarter and as of the same date in the preceding year. The comparative balance sheet and changes in financial position data required by Form F-4 will not be required for interim periods beginning prior to the effective date of this amendment.

2. As indicated in General Instruction (a)(1) relating to the use of Form F-4, that form is only a guide for use in preparation of quarterly reports. Quarterly reports in other formats, such as reports of condition, may be filed so long as they provide the information required by Regulation F.

1. Section 206.7(c)(10) is amended by adding the following new paragraph:

§ 206.7 Form and content of financial statements.

* * * * *

(c) * * *

(10) * * *

(vii) Disclosure of selected quarterly financial data in notes to financial statements.

EXEMPTION. This rule shall not apply to any registrant that does not meet the following conditions:

(A) The bank (1) has securities registered pursuant to section 12(b) of the Securities Exchange Act of 1934 or (2) has securities registered pursuant to section 12(g) of that Act that also (i) are quoted on the National Association of Securities Dealers Automated Quotation System and (ii) meet the requirements for continued inclusion on the list of OTC margin stocks set forth in § 220.8(i) of Regulation T of the Board of Governors of the Federal Reserve System; and

(B) The bank and its consolidated subsidiaries (1) have had a net income after taxes but before extraordinary items and the cumulative effect of a change in accounting, of at least $250,000 for each of the last three fiscal years; or (2) had total assets of at least $200,000,000 as of the end of the last fiscal year.

(*1*) Disclosure shall be made in a note to financial statements of total operating income, income before security gains (losses), income before extraordinary items and cumulative effect of a change in accounting, net income, and per share data based upon such income for each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented.

(*2*) When the data required by the preceding paragraph above vary from the amounts previously reported on the Form F-4 filed for any quarter, such as would be the case when a pooling of interests occurs or where an error is corrected, reconcile the amounts given with those previously reported describing the reason for the difference.

(*3*) Describe the effect of any unusual or infrequently occurring items recognized in each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented, as well as the aggregate effect and the nature of year-end or other adjustments that are material to the results of that quarter.

(*4*) Where this note is part of audited financial statements, it may be designated "unaudited."

INSTRUCTION: If the financial statements are covered by an independent public accountant's report, and the note required by the above paragraph (vii) is designated as "unaudited", it shall be presumed that appropriate professional standards and procedures with respect to the data in the note have been followed by the independent accountant who is associated with the unaudited footnote by virtue of reporting on the financial statements in which it is included.

2. Section 206.44 is revoked in its entirety and the following is substituted therefor:

§ 206.44 Form for quarterly report of bank (Form F-4).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F-4

QUARTERLY REPORT

PART A—SUMMARIZED STATEMENT OF INCOME

____
(Name of bank)

____
(City and State)

Item	3 months ending ____		Fiscal year to date (__ months ending ____)	
	19— (current year)	19— (prior year)	19— (current year)	19— (prior year)
1. Operating income:				
(a) Interest and fees on loans				
(b) Interest on balances with banks				
(c) Interest and dividends on securities				
U.S. Treasury securities				
Obligations of other U.S. Government agencies and corposations.				
Obligations of States and political subdivisions				
Other securities				
(d) Other operating income				
(e) Total operating income				
2. Operating expenses:				
(a) Salaries and employee benefits				
(b) Interest expense				
(c) Provision for loan losses				
(d) Other operating expenses				
(e) Total operating expenses				
3. Income before income taxes and securities gains (losses)				
4. Applicable income taxes				
5. Income before securities gains (losses)				
6. Net securities gains (losses), less related tax effect				
7. Net income:				
Earnings per common share:				
Income before securities gains (losses)				
Net income				
Cash dividends declared per common share				

PART B. BALANCE SHEET

Furnish, insofar as practicable in the manner presented below, data as at the end of the latest fiscal quarter and for the end of the corresponding quarter for the preceding fiscal year.

	As of —— 19— (current year)	As of —— 19—[1] (prior year)
Assets:		
1. Cash and due from banks		
2. Investment securities:		
(a) U.S. Treasury securities		
(b) Obligations of other U.S. Government agencies and corporations		
(c) Obligations of States and political subdivisions		
(d) Other securities		
3. Trading account securities		
4. Federal funds sold and securities purchased under agreements to resell		
5. Loans:		
Less: reserve for possible loan losses		
Loans, net		
6. Direct lease financing		
7. Bank premise and equipment		
8. Real estate owned other than bank premises		
9. Investment in unconsolidated subsidiaries and associated companies		
10. Customers' acceptance liability		
11. Other assets		
12. Total assets		
Liabilities and capital:		
13. Deposits:		
(a) Demand deposits in domestic offices		
(b) Savings deposits in domestic offices		
(c) Time deposits in domestic offices		
(d) Deposits in foreign offices		
14. Federal funds purchased and securities sold under agreements to repurchase.		
15. Other liabilities for borrowed money		
16. Bank's acceptance outstanding		
17. Mortgage indebtedness		
18. Other liabilities		
19. Total liabilities (excluding subordinated notes and debentures)		
20. Subordinated notes and debentures		
21. Equity capital:		
(a) Capital stock:		
Common stock		
Preferred stock		
(b) Surplus		
(c) Undivided profits		
(d) Reserve for contingencies and other capital reserves		
22. Total equity capital		
23. Total liabilities and equity capital (items 19, 20 and 22)		

---

[1] Disclosure of comparative balance sheet data shall not be required for interim periods beginning prior to effective date of this amendment.

PART C.—*Changes in financial position*

	Fiscal year to date (__ months ending ______)[1]	
	19__ (current year)	19__ (prior year)
Sources of funds:		
Operations:		
Net income		
Charges to income not affecting funds		
Total funds provided by operations		
Equity funds—sale proceeds		
Subordinated notes and debentures—sale proceeds		
Increase (decrease) in liabilities [2]	______	______
Total		
Applications of funds:		
Payment of dividends		
Purchase of property and equipment		
Increase (decrease) in assets [2]	______	______
Total		

[1] Disclosure of comparative source and application of funds data shall not be required for interim periods beginning prior to effective date of this amendment.

[2] Sources and applications of funds items shall be shown separately by amounts when they exceed 5 percent of the average of total funds provided during the respective reported periods.

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this quarterly report to be signed on its behalf by the undersigned, thereunto duly authorized.

____
(Name of bank)

Date ________

By ______________________________
(Name and title of signing officer)

GENERAL INSTRUCTIONS

(a) *Use of Form F-4.* (1) Form F-4 is a guide for use in preparation of quarterly reports to be filed with the Board. (2) The interim report shall be filed not later than 45 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year.

(b) *Persons for whom the information is to be given.* The required information is to be given as to the registrant bank or, if the bank files consolidated financial statements with the annual reports filed with the Board, it shall cover the bank and its consolidated subsidiaries. If the information is given as to the bank and its consolidated subsidiaries, it need not be given separately for the bank.

(c) *Presentation of information.* The form calls only for the items of information specified. It is not necessary to furnish a formal financial statement presentation. The information is not required to be audited (see § 206.7(b) of this Part). The report may carry a notation to that effect and any other qualification considered necessary or appropriate. Amounts may be stated in thousands of dollars if a notation to that effect is made.

(d) *Incorporation by reference to published statements.* If the bank makes available to its stockholders or otherwise issues or publishes, within the period prescribed for filing the report, a financial statement containing the information required by this form, such information may be incorporated by reference to such published statement if copies thereof are filed as an exhibit to this report.

(e) *Extraordinary items and cumulative effects of changes in accounting principles.* If present with respect to any interim period reported herein, extraordinary items and cumulative effect of a change in accounting principles less applicable income tax effect shall be appropriately segregated and included in the determination of net income. (See Form F-9B, Statement of Income.)

(f) *Acquisitions.* (1) If the bank has entered into a business combination with another bank or other related business treated for accounting purposes as a pooling of interests, the results of operations reported in this report—for both the current year and the preceding year—should reflect the combined results of the pooled entities. Disclosure of the separate results of the combined entities for periods prior to the combination should be given in a footnote with appropriate explanation. (2) In case the bank has acquired a significant amount of assets in a transaction treated for accounting purposes as a purchase, during any of the periods covered by the report, the effect thereof on revenue and net income, in total and per share, should be disclosed in a footnote.

(g) *Management's analysis of quarterly income statements.* The bank shall provide a narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent quarter and the quarter immediately preceding it, between the most recent quarter and the same calendar quarter in the preceding year, and, if applicable, between the current year to date and the same calendar period in the preceding year. Explanations of material changes should include, but not be limited to, changes in the various elements which determine revenue and expense levels. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or in the method of their application that have a material effect on net income as reported.

(h) *Other financial information.* The bank may furnish any additional information related to the periods being reported on which, in the opinion of management, is of significance to investors, such as the seasonality of the bank's business, major uncertainties currently facing the bank, significant accounting changes under consideration and the dollar amount of standby letters of credit. In addition, the bank shall indicate whether any Form F-3 was required to be filed reporting any material unusual charges or credits to income during the most recently completed fiscal quarter or whether any Form F-3 was required to be filed during that period reporting a change in independent accountants.

(i) The financial information to be included in this report should be prepared in conformity with the accounting principles and practices reflected in the financial statements included in the annual report filed with the Board for the preceding fiscal year, except for any subsequent regulatory revisions and changes required to be reported by § 206.7(c)(5) of this Part.

§ 206.71 [Amended]

3. Section 206.71 is amended as follows:

a. The balance sheet format denoted "A. Balance Sheet" (Form F-9A) is revoked and the following format is substituted therefor:

A. BALANCE SHEET

ASSETS

1. Cash and due from banks
2. Investment securities:
   - (a) U.S. Treasury securities
   - (b) Obligations of other U.S. Government agencies and corporations
   - (c) Obligations of States and political subdivisions
   - (d) Other securities
3. Trading account securities
4. Federal funds sold and securities purchased under agreements to resell
5. Loans
   - Less: reserve for possible loan losses
   - Loans, net
6. Direct lease financing
7. Bank premise and equipment
8. Real estate owned other than bank premises
9. Investment in unconsolidated subsidiaries and associated companies
10. Customers' acceptance liability
11. Other assets
12. Total assets

LIABILITIES AND CAPITAL

13. Deposits:
    - (a) Demand deposits in domestic offices
    - (b) Savings deposits in domestic offices
    - (c) Time deposits in domestic offices
    - (d) Deposit in foreign offices
14. Federal funds purchased and securities sold under agreements to repurchase
15. Other liabilities for borrowed money
16. Bank's acceptance outstanding
17. Mortgage indebtedness
18. Other liabilities
19. Total liabilities (excluding subordinated notes and debentures
20. Subordinated notes and debentures
21. Equity capital:
    - (a) Capital stock:
      - Common stock
      - Preferred stock
    - (b) Surplus
    - (c) Undivided profits
    - (d) Reserve for contingencies and other capital reserves
22. Total equity capital
23. Total liabilities and equity capital (Items 19, 20 and 22)

b. The instructions concerning "Loans" included in the Form F-9A Balance Sheet are renumbered and new subparagraphs (5)(a) and (b) and a new Note have been added, as follows:

5. *Loans.* (a) (1) State the aggregate gross value of all other loans including (a) acceptances of other banks and commercial

paper purchased in the open market; (b) acceptance executed by or for the account of the reporting bank and subsequently acquired by it through purchase or discount; (c) customers' liability to the reporting bank on drafts paid under letters of credit for which the bank has not been reimbursed; and (d) "cotton overdrafts" or "advances," and commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, for which the reporting bank has given deposit credit to customers.

(2) Include (a) paper rediscounted with the Federal Reserve or other banks; and (b) paper pledged as collateral to secure bills payable, as marginal collateral to secure bills rediscounted, or for any other purpose.

(3) Do not include contracts of sale or other loans indirectly representing bank premises or other real estate; these should be included in "bank premises" or "other real estate."

(4) Do not deduct bona fide deposits accumulated by borrowers for the payment of loans if such deposits do not immediately reduce the unpaid balance of the loan.

(5) Deduct unearned income on loans.

(b) *Less: Reserve for Possible Loan Losses.* State the balance of the loan loss allowance account at the end of the fiscal year. Include in this allowance only the valuation portion that has been established through charges against income.

NOTE: For banks on reserve method of accounting for loan losses, the single value reserve account representing the amount calculated pursuant to IRS regulations will be reclassified into three existing components: (1) valuation portion; (2) contingency portion; and (3) deferred tax portion.

Valuation portion. If prior to January 1, 1969, a bank did not distinguish the different parts of the reserve for loan losses, the total balance in the reserve for loan losses at January 1, 1969, is considered to have been entirely a valuation reserve. Such balance is increased by the amount of provision for loan losses *charged to income* in each period since December 31, 1968, and the amount of the loan recoveries in each period since December 31, 1968, and reduced by the loan losses charged to reserve for loan losses in each period since December 31, 1968. The resulting balance is the valuation portion of the reserve which is required to be deducted from total loans in the Report of Condition. Only the valuation portion of the reserve for loan losses is available for absorbing loan losses.

Contingency portion. The cumulative amount equivalent to the difference between transfers to the bad debt reserve calculated pursuant to IRS regulations, and the provisions for loan losses charged against income in each report period since December 31, 1968. Such amount, net of applicable income tax reduction benefit, should be included in the "undivided profits" account.

Deferred tax portion. The amount of deferred tax related to the contingency portion described above constitutes the deferred income tax portion and should be reported in "Other liabilities."

NOTE: In the rare circumstances where the cumulative provisions for loan losses charged against income have exceeded cumulative transfers to the bad debt reserve account calculated pursuant to IRS regulations in the period since December 31, 1968, the entire balance of the reserve for loan losses is considered a valuation reserve.

c. The Statement of Changes in Capital Accounts format denoted "C. Statement of Changes in Capital Accounts" is revoked and the following format is substituted therefor:

C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS

Increase (decrease)	Preferred stock $___ par	Common stock $___ par	Surplus	Undivided profits	Reserve for contingencies and other capital reserves
1. Net income transferred to undivided profits					
2. Preferred stock and common stock sold (par or face value)					
3. Stock issued incident to mergers and acquisitions					
4. Premium on capital stock sold					
5. Additions to, or reductions in, surplus, undivided profits, and reserves incident to mergers					
6. Cash dividends declared on preferred stock					
7. Cash dividends declared on common stock					
8. Stock dividends issued, ------ shares at par value					
9. All other increases (decreases)[1]					
10. Net increase (decrease) for the year					
11. Balance at beginning of year[2]					
12. Balance at end of year					

[1] State separately any material amounts, indicating clearly the nature of the transaction out of which the item arose.

[2] If the statement is filed as part of an annual or other periodic report and the balances at the beginning of the period differ from the closing balances as filed for the previous fiscal period, state in a footnote the difference and explain.

d. Schedule III—Other Loans in Form F-9 (D) is revoked and the following guideline format is substituted therefor:

SCHEDULE III—OTHER LOANS

Type	*Book value*
Loans in domestic offices:	
Real estate loans:	
Insured or guaranteed by the U.S. Government or its agencies	------
Other	------
Loans to financial institutions	------
Loans for purchasing or carrying securities (secured or unsecured)	------
Loans to farmers	------
Commercial and industrial loans	------
Loans to individuals for household, family, and other personal expenditures	------
All other loans (including overdrafts)	------
Loans in foreign offices:	
Total loans, gross	------
Less: Unearned income on loans	------
Total other loans reported in balance sheet	------

NOTE.—"Schedule A—Loans" of the supervisory Report of Condition submitted for the same yearend date may be incorporated by reference provided copies are filed with the report.

e. Schedule VII—Reserve for Possible Loan Losses in Form F-9(D) is revoked and the following guideline format is substituted therefor:

SCHEDULE VII—RESERVE FOR POSSIBLE LOAN LOSSES[1]

Item:	*Amount*
Balance at beginning of period	------
Recoveries credited to reserve	------
Additions due to mergers and absorptions[2]	------
Provision for loan losses from income statement	------
Losses charged to reserve	------
Balance at end of period[3] [4]	------

[1] Do not include any entries pertaining to reserve accounts established by segregations of the bank's undivided profits account. See instructions to item 22, equity capital, of form F-9A.

[2] Describe briefly in a footnote any such addition.

[3] Describe briefly in a footnote the basis used in determining the amount accumulated in the allowance at the end of the period.

[4] Indicate in a footnote whether the bank's reserve for bad debts computed for Federal income tax return purposes is at the maximum allowable pursuant to the Treasury tax formula. In addition, set forth a summary reconciliation of any material difference between the reserve for possible loan losses reported herein and the reserve for bad debts computed for Federal income tax return purposes.

Effective date: This regulation shall become effective November 15, 1976.

By order of the Board of Governors, October 8, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-30774 Filed 10-20-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16211; Amdt. 39-2752]

PART 39—AIRWORTHINESS DIRECTIVES

Britten-Norman Ltd.; Models BN-2A and BN-2A MK III Airplanes

There have been reports of corrosion on the forward face of the engine mounting brackets on certain Britten-Norman Models BN-2A and BN-2A MK III airplanes that could result in failure of the engine mounting brackets and the subsequent separation of the engine. The affected area cannot be inspected during normal inspections of the airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires a one-time inspection of the forward face of the engine mounting bracket and repair or replacement of the mounting bracket if corrosion or cracks are found on Britten-Norman Ltd. Models BN–2A and BN–2A MK III airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITTEN-NORMAN LTD. Applies to Models BN–2A and BN–2A MK III airplanes, all series, certificated in all categories.

Compliance is required within the next 25 hours time in service after the effective date of this AD or before 2 years since new, whichever occurs later, unless already accomplished.

To detect corrosion and cracks on the forward face of the engine mounting brackets and prevent possible engine separation, accomplish the following.

(a) Inspect the forward face of the engine mounting brackets, P/N NB–20–3463 (BN–2A) and P/N NB–20–5781 (BN–2A MK III), for corrosion and cracks, in accordance with paragraphs 1 and 2 of the section entitled "Inspection" of Britten-Norman Service Bulletin BN–2/SB, 91, issue 1, dated March 23; 1976, or an FAA-approved equivalent.

(b) If, during the inspection required by paragraph (a) of this AD, no corrosion is found, re-assemble the engine mounting brackets in accordance with paragraphs 3 and 4 of the section entitled "Inspection" of Britten-Norman Service Bulletin BN–2/SB, 91, issue 1, dated March 23, 1976, or an FAA-approved equivalent.

(c) If, during the inspection required by paragraph (a) of this AD, minor surface corrosion is found and the bracket surface is free of any pitting, repair and re-assemble the engine mounting brackets in accordance with paragraph 1 of the section entitled "Rectification" of Britten-Norman Ltd. Service Bulletin BN–2/SB.91, issue 1, dated March 23, 1976, or an FAA-equivalent.

(d) If, during the inspection required by paragraph (a) of this AD, severe corrosion which is evidenced by surface pitting or a crack is found, replace the engine mounting brackets with new parts of the same part number in accordance with paragraph 2 of the section entitled "Rectification" of Britten-Norman Ltd., Service Bulletin BN–2/SB.91, issue 1, dated March 23, 1976, or an FAA-approved equivalent.

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

This amendment becomes effective November 5, 1976.

Issued in Washington, D.C., on October 14, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76–30856 Filed 10–20–76;8:45 am]

[Airworthiness Docket No. 76–SW–46; Amdt. 39–2749]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 47K Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive for the Bell 47K helicopter prescribing requirements similar to those in Amendment 428, (27 FR 3844) AD 62–10–1 was published in 41 FR 36511.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received in response to the proposal.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

BELL. Applies to Bell Model 47K helicopters certificated in all categories.

Compliance required as indicated.

A report has been received of fatigue cracking of the tubular spar of the synchronized elevator at the Rollpin hole. To preclude possible separation of the elevator from the helicopter, accomplish the following:

(a) Within 25 hours' time in service after the effective date of this AD:

(1) Remove the elevators from the tail boom in accordance with the Bell Maintenance Manual.

(2) Clean the area around the Rollpin hole and remove any zinc chromate putty from any plugged hole in the tubular spar at B.L. 7.0 for both right and left elevators.

(3) Inspect for cracks in the tubular spar of both elevators at the Rollpin hole at B.L. 7.0 using a 5-power or higher magnifying glass.

(4) Inspect the inboard rib for cracks using a 5-power or higher magnifying glass.

(b) If cracks are found in the tubular spar, modify the elevator with Bell Helicopter Kit No. 47–3746–1 or 47–3746–2, "Improved Design Synchronized Elevator," or FAA engineering approved equivalent prior to further flight.

(c) If no cracks are found in the tubular spar, install clevis pin in accordance with subparagraphs (1) through (4) below or in accordance with item 2 of Bell Helicopter Company Service Bulletin No. 135SB dated July 27, 1961, or later approved revision, and reinspect in accordance with subparagraph (5).

(1) Position coupling assembly P/N 47–267–483–1 on elevators and line drill through Rollpin holes with a "D" (0.2460-inch diameter) drill. Remove sharp edges from holes. Install MS 20392–3–49 clevis pins, AN 960–4162 washers, and AN 381–3–6 cotter pins. A finger tight slip fit of the clevis pins is desired, approximately 0.0005 inch loose.

(2) Reinstall the elevator on the helicopter, shim as required to prevent preload or end play at bearings.

(3) Check clearance between skin and end of clevis pins. Trim skin, if necessary, to obtain clearance.

(4) Rerig elevator in accordance with the Bell Maintenance Manual.

(5) Reinspect in accordance with (a)(1) through (a)(3) within each succeeding 50 hours' time in service until Bell Helicopter Kit No. 47–3746–1 or 47–3746–2, "Improved Design Synchronized Elevator," or FAA approved equivalent is installed.

(d) If cracks are found in the inboard rib, repair the elevator as specified below, or modify with Bell Helicopter Kit No. 47–3746–1 or 47–3746–2, or FAA engineering approved equivalent prior to further flight.

(1) Remove the inboard rib by drilling out the rivets and remove the Bell P/N 47–267–404–7 shoulder from the rib by drilling out the rivets.

(2) Add a doubler of 0.032 thickness, or a new rib of 0.032 thickness, material aluminum alloy 2024–0, or a Bell rib P/N 47–267–453–7 (one required per elevator).

(3) Rivet Bell P/N 47–267–404–1 shoulder to the old rib and new doubler or to the new rib. Use the rivet pattern in the shoulder with AN 470–AD3 or –4 rivets.

(4) Install the rib assembly, using the rivet pattern in the elevator skin with MS 20600 AD4 or –5 rivets.

(e) If no cracks are found in the inboard rib:

(1) Reinstall the elevator on the helicopter in accordance with Bell Maintenance Manual.

(2) Reinspect rib for cracks in accordance with (a)(4) within each succeeding 50 hours' time in service until Bell Helicopter Kit No. 47–3746–1 or 47–3746–2, "Improved Design Synchronized Elevator," or FAA engineering approved equivalent is installed.

(f) Upon request of the operator, an FAA maintenance inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, Southwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Service Manager, Bell Helicopter Company, Box 482, Fort Worth, Texas 76101. These documents may also be examined at Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at Office of Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas.

This amendment becomes effective November 26, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)). This amendment has been reviewed and does not require an inflation impact statement.)

Issued in Fort Worth, Texas, on October 7, 1976.

Note.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

Henry L. Newman,
Director, Southwest Region.

[FR Doc.76-30861 Filed 10-20-76;8:45 am]

[Docket No. 76-CE-26-AD; Amdt. 39-2750]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 172M, 172N, 177B and 177RG Airplanes

An Airworthiness Directive (AD) was adopted on September 21, 1976, and made effective by air mail letter to all known owners of certain serial numbers of Cessna Models 172M, 172N, 177B and 177RG airplanes in which Stewart Warner Models 8406J or 10599A oil coolers are installed. This AD was issued because the aforementioned oil cooler may fail and allow rapid loss of engine oil and cause engine stoppage. In order to prevent this condition the directive requires a visual inspection of the engine oil cooler fluid fitting side to determine whether one of the suspect oil coolers is installed and if so, replacement of the cooler with an airworthy air cooler. This AD was recommended and concurred in by the aircraft manufacturer.

After the agency issued the emergency AD the aircraft manufacturer advised that it had failed to identify all the serial numbers of Cessna Models 172M, 177B and 177RG airplanes on which the suspect air coolers might be installed. Accordingly, it was necessary to make the emergency AD applicable to those airplanes as well. This was done on October 1, 1976, when the FAA issued air mail letters to the owners of those serial numbers of Cessna Models 172M, 177B and 177RG airplanes which had not been included in the September 21, 1976, mailing.

Since it was found that immediate corrective action was required, notice and public procedure hereon were impracticable and contrary to the public interest and good cause existed for making this AD effective immediately to the owners for certain serial numbers of Cessna Models 172M, 172N, 177B and 177RG airplanes on which the suspect coolers are installed. These conditions still exist and the AD is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons who did not receive the letter notification.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

Cessna. Applies to Models 172M (Serial Numbers 17266981 thru 17267584); 172N (Serial Numbers 17267585 thru 67610, 612 thru 621, 623 thru 626, 628 thru 634, 636, 638 thru 648, 651 thru 655, 657, 658, 660 thru 666, 669, 670, 673 thru 679, 681, 682, 684 thru 687, 689, 691 thru 698, 700, 701, 703 thru 706, 708 thru 713, 715, 718, 722 thru 724, 727 thru 729, 732, 736, 738, 739, 741 thru 744, 746 thru 749, 752, 754, 756, 757, 759, 760, 763, 764, 770, 772, 776, 785, 791 and 800); 177B (Serial Numbers 17702450 thru 17702536, 17702538 thru 17702544); and 177RG (Serial Numbers 177RG0875 thru 177RG0990, 177RG0992 thru 177RG0995, 0997 thru 1000, 1002 and 1004) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent loss of engine oil, accomplish the following:

(A) Before next flight of the affected airplanes, remove the lower engine cowl and visually inspect the engine oil cooler fluid fitting side to determine whether it is a Model 8406J (S/N 101 thru 1500) or Model 10599A (S/N 101 thru 700).

1. If the oil cooler is not of the model and serial number listed above, make an entry in the aircraft maintenance records indicating that this AD has been accomplished and the airplane may be returned to service.

2. If the oil cooler is of a model and serial number listed above, prior to further flight, replace this cooler with a serviceable oil cooler not of the above model and serial numbers.

B. The inspection and maintenance record entry required by Paragraph A(1) may be accomplished by holder of a pilot's certificate issued under Part 61 of the Federal Aviation Regulations on any aircraft owned or operated by him.

C. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Cessna Service Letter SE76-17 pertains to this subject.

Note.—A ferry permit to accomplish a needed oil cooler replacement may be issued under the provisions of FAR 21.197 by FAA District Offices, with appropriate limitations, in coordination with the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective October 26, 1976, to all persons except those to whom it was made effective earlier by air mail letters issued September 21, 1976, and October 1, 1976, respectively.

(Sec. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on October 12, 1976.

John E. Shaw,
Acting Director, Central Region.

[FR Doc.76-30860 Filed 10-20-76;8:45 am]

[Docket No. 14971; Amdt. No. 67-10]

PART 67—MEDICAL STANDARDS AND CERTIFICATION

Visual Acuity Requirements for Medical Certificates; Use of Contact Lenses

The purpose of this amendment to Part 67 of the Federal Aviation Regulations is to permit the use of contact lenses (as well as eye glasses) to satisfy the distant visual acuity requirement of Part 67.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a notice of proposed rulemaking (Notice No. 75-33) issued on September 2, 1975, and published in the Federal Register on September 10, 1975 (40 FR 42024). Due consideration has been given to all comments received in response to that Notice.

Notice No. 75-33 was issued in response to a petition for rulemaking submitted by the Aircraft Owners and Pilots Association (AOPA) by letter dated March 8, 1974. AOPA petitioned for amendment of the medical standards of Part 67, specifically to authorize the use of contact lenses for meeting visual requirements for all classes of airman medical certificates. In support of its petition, AOPA contended that experience shows that the use of contact lenses produces no sudden unpredictable hazards to flight, and that once in place, a contact lens is not easily dislodged. AOPA also pointed out that in some situations contact lenses are superior to glasses because they do not obstruct the peripheral visual field as do spectacle frames, and further that contact-lens use is more compatible with the wearing of certain protective equipment.

The FAA has recognized the increasing popularity and use of contact lenses in the United States, and certain advantages of these lenses over spectacles. While the medical standards of Part 67 of the Federal Aviation Regulations specifically provide that acceptable vision correction shall be achieved through the use of glasses, Statements of Demonstrated Ability (special issuances) have been issued to applicants pursuant to § 67.19 of the Federal Aviation Regulations, permitting the use of contact lenses to correct distant visual acuity. Contact lenses that correct near visual acuity have not been considered acceptable for aviation duties. To date, these special issuances have been granted only upon submission of detailed reports by eye specialists and after review of these reports by FAA medical personnel. This administrative procedure has frequently delayed the initial medical certification of applicants who wish to wear contact lenses to meet distant visual acuity standards.

As pointed out in Notice 75-33, FAA experience indicates that, these evaluation reports have had limited value in uncovering significant pathology or evidence of complications that would contraindicate the use of contact lenses in the performance of aviation duties. In addition, the agency is unaware of any accidents or incidents in which the use of contact lenses by airmen was a contributing factor.

One hundred thirty-seven comments were received in response to this proposal. Most of the comments received were favorable, five expressed no opinion, and one opposed the proposed amendment. The comment in opposition to the proposal stated that the possibility of dislodgement of lenses might adversely affect safety.

Several commentators suggested that contact lens wearers be required to carry "backup" glasses to replace their contact lenses in the event the lenses are dislodged during operation of an aircraft.

In developing Notice No. 75-33 the FAA considered requiring contact lens wearers to carry an extra pair of contact lenses or glasses while performing airman duties. The FAA concluded, however, that the likelihood of losing one or both lenses during flight was not of sufficient magnitude to warrant such a requirement. Moreover, it was noted that should an individual lose one lens and attempt to improve vision with "backup" glasses, he would most likely have to remove the remaining lens and that under any circumstance, corneal molding from the lens would not permit full interchange of lenses and glasses. Furthermore, if a lens was lost during a critical phase of flight, there would be no opportunity to replace the lens with a "backup" contact lens and the airman might be better off under those circumstances with only one lens in place.

The FAA has determined that the question of whether the airman should routinely carry a spare set of lenses (contact lenses or glasses), may be left to the individual without adversely affecting aviation safety. It should be noted that present regulations do not require "backup" glasses when glasses are needed to meet the visual acuity standards, even though glasses may be misplaced or dropped, just as with contact lenses. There has been no indication that the absence of such a requirement has in any way compromised safety.

Additionally, several commentators stated that effects of corneal molding from wearing contact lenses may create difficulties in assessing an applicant's uncorrected distant visual acuity at the time of examination. The commentators pointed out that such circumstances could interfere with the appropriate application of existing visual acuity standards that require applicants for first- and second-class medical certificates to have distant visual acuity of at least 20/100 in each eye separately, without correction.

The FAA believes that this potential problem does not require regulatory action at this time. Designated Aviation Medical Examiners will be provided guidelines for the evaluation and testing of applicants who wear contact lenses.

An applicant whose uncorrected visual acuity is substantially affected by recent use of contact lenses will be advised not to wear the lenses for a period of time and then will be re-examined.

The FAA believes that the use of contact lenses to correct distant visual acuity will not adversely affect safety, and that the administrative delay experienced by applicants in obtaining special issuances under § 67.19 will be avoided by amending Part 67 to permit the use of contact lenses as well as eye glasses.

(Sec. 313(a), 601 and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1422) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, §§ 67.13(b)(1), 67.15(b)(1) and 67.17(b)(1) of Part 67 of the Federal Aviation Regulations are amended effective December 21, 1976, to read as follows:

§ 67.13 First-class medical certificate.

* * * * *

(b) Eye:

(1) Distant visual acuity of 20/20 or better in each eye separately, without correction; or of at least 20/100 in each eye separately corrected to 20/20 or better with corrective lenses (glasses or contact lenses) in which case the applicant may be qualified only on the condition that he wears those corrective lenses while exercising the privileges of his airman certificate.

* * * * *

§ 67.15 Second-class medical certificate.

* * * * *

(b) Eye:

(1) Distant visual acuity of 20/20 or better in each eye separately, without correction; or of at least 20/100 in each eye separately corrected to 20/20 or better with corrective lenses (glasses or contact lenses), in which case the applicant may be qualified only on the condition that he wears those corrective lenses while exercising the privileges of his airman certificate.

* * * * *

§ 67.17 Third-class medical certificate.

* * * * *

(b) Eye:

(1) Distant visual acuity of 20/50 or better in each eye separately, without correction; or if the vision in either or both eyes is poorer than 20/50 and is corrected to 20/30 or better in each eye with corrective lenses (glasses or contact lenses), the applicant may be qualified on the condition that he wears those corrective lenses while exercising the privileges of his airman certificate.

* * * * *

Issued in Washington, D.C., on October 12, 1976.

JOHN L. MCLUCAS,
Administrator.

[FR Doc.76-30862 Filed 10-20-76;8:45 am]

[Airspace Docket No. 76-SO-97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Titusville, Fla., control zone and transition area.

The Titusville control zone is described in § 71.171 (41 FR 355) and the Titusville transition area is described in § 71.181 (41 FR 440). The description of the control zone contains reference to Restricted Area 2902A and the transition area description contains reference to Restricted Areas 2902A and 2902B. On September 13, 1976, the FEDERAL REGISTER, page 38763, contained Docket 76-SO-80 which changes the numbers of the Restricted Areas effective November 4, 1976. It is necessary to alter the description of the Titusville control zone and transition area to reflect the change in Restricted Area numbers. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

In § 71.171 (41 FR 355), the Titusville, Fla., control zone is amended by deleting ". . . R-2902A . . ." and substituting ". . . R-2922 . . ." therefor.

In § 71.181 (41 FR 440), the Titusville, Fla., transition area is amended by deleting ". . . R-2902A and R-2902B." and substituting ". . . R-2921 and R-2922." therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on October 12, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-30858 Filed 10-20-76;8:45 am]

[Docket No. 16210; Amdt. No. 1043]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of

$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good case exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective December 2, 1976.*

Monroeville, AL—Monroe County Arpt., VOR Rwy 3, Amdt. 4
Monroeville, AL—Monroe County Arpt., VOR Rwy 21, Amdt. 4
Marianna, FL—Marianna Muni. Arpt., VOR-A, Amdt. 7
Haverhill, MA—Haverhill Arpt., VOR-A, Amdt. 3
Bay St. Louis, MS—Stennis Int'l Arpt., VOR/DME-A, Amdt. 2
Hazleton, PA—Hazleton Muni. Arpt., VOR Rwy 10, Amdt. 7
Hazleton, PA—Hazleton Muni. Arpt., VOR Rwy 28, Amdt. 6
Johnstown, PA—Johnstown-Cambria County Arpt., VOR Rwy 5, Amdt. 3
Johnstown, PA—Johnstown-Cambria County Arpt., VOR Rwy 15, Amdt. 5
Johnstown, PA—Johnstown-Cambria County Arpt., VOR Rwy 23, Amdt. 3
Johnstown, PA—Johnstown-Cambria County Arpt., VOR/DME Rwy 15, Amdt. 1
Leesburg, VA—Leesburg Muni. (Godfrey Field) Arpt., VOR Rwy 35, Amdt. 1
Reedsburg, WI—Reedsburg Muni. Arpt., VOR-A, Amdt. 1

* * * *effective November 18, 1976.*

Grand Canyon, AZ—Grand Canyon National Park, VOR Rwy 3, Amdt. 2
Salinas, CA—Salinas Muni. Arpt., VOR/DME-A, Amdt. 5

* * * *effective November 4, 1976.*

Champaign-Urbana, IL—University of Illinois-Willard Arpt., VOR Rwy 31, Amdt. 8

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective December 2, 1976.*

Hazleton, PA—Hazleton Muni. Arpt., LOC Rwy 28, Amdt. 1
Kansas City, MO—Kansas City Int'l Arpt., LOC(BC) Rwy 27, Amdt. 6

* * * *effective November 18, 1976.*

Carlsbad, CA—Palomar Arpt., LOC Rwy 24, Amdt. 1

* * * *effective November 4, 1976.*

Louisville, KY—Standiford Field, LOC Rwy 19, Amdt. 2, cancelled

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective December 2, 1976.*

Oxford, CT—Waterbury-Oxford Arpt., NDB Rwy 36, Orig.
Orangeburg, SC—Orangeburg Arpt., NDB-A, Amdt. 4
Platteville, WI—Platteville Muni. Arpt., NDB Rwy 25, Amdt. 2

* * * *effective November 18, 1976.*

Sedona, AZ—Sedona Arpt., NDB-A, Amdt. 1

* * * *effective November 11, 1976.*

Ottawa, OH—Putnam County Arpt., NDB Rwy 27, Original

* * * *effective November 4, 1976.*

Champaign-Urbana, IL—University of Illinois-Willard Arpt., NDB Rwy 31, Amdt. 5
Salina, KS—Salina Muni. Arpt., NDB Rwy 35, Amdt. 8

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective December 2, 1976.*

Oxford, CT—Waterbury-Oxford Arpt., ILS Rwy 36, Amdt. 2
Bluefield, WV—Mercer County Arpt., ILS Rwy 23, Amdt. 2

* * * *effective November 18, 1976.*

Salinas, CA—Salinas Muni. Arpt., ILS Rwy 31, Amdt. 1
Kahului, HI—Kahului Arpt., ILS Rwy 2, Amdt. 10

* * * *effective November 4, 1976.*

Champaign-Urbana, IL—University of Illinois-Willard Arpt., ILS Rwy 31, Amdt. 6
Salina, KS—Salina Muni. Arpt., ILS Rwy 35, Amdt. 10
Louisville, KY—Standiford Field, ILS Rwy 19, Original

* * * *effective October 14, 1976.*

New York, NY—John F. Kennedy Int'l Arpt., ILS Rwy 4R, Amdt. 22

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective December 2, 1976.*

Hershey, PA—Hershey Air Park, RADAR-1, Amdt. 2

* * * *effective November 18, 1976.*

Dallas, TX—Dallas Love Field, RADAR-1, Amdt. 21

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective December 2, 1976.*

Platteville, WI—Platteville Muni. Arpt., RNAV Rwy 7, Original

* * * *effective November 18, 1976.*

Houston, TX—Houston Intercontinental Arpt., RNAV Rwy 14, Amdt. 2
Houston, TX—Houston Intercontinental Arpt., RNAV Rwy 26, Amdt. 1
Houston, TX—Houston Intercontinental Arpt., RNAV Rwy 32, Amdt. 2

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on October 14, 1976.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.76-30859 Filed 10-20-76;8:45 am]

[Docket No. 14932; Amdt. No. 152-4]

PART 152—AIRPORT AID PROGRAM

Processing Airport Development Actions Affecting the Environment

The purpose of this amendment to Part 152 of the Federal Aviation Regulations is to revise references to applicable procedures for processing airport development actions affecting the environment, and to incorporate Department of Transportation Order 5610.1B and Federal Aviation Administration Order 5050.2B by reference.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a notice of proposed rule making (Notice No. 75-32) published in the FEDERAL REGISTER on August 20, 1975 (40 FR 36516), and by a 30-day extension of the comment period in NPRM 75-32A, published in the FEDERAL REGISTER on September 30, 1975 (40 FR 44842). Due consideration has been given to all comments received in response to that notice.

The revised environmental procedures were set forth in an internal directive, FAA Order 5050.2A, Instructions for Processing Airport Development Actions Affecting the Environment (issued February 24, 1975). FAA Order 5050.2A represented a comprehensive revision of FAA's instructions for processing airport development actions. The notice proposed to amend Part 152 to implement the revised procedures and to make several minor changes to reflect the transfer of certain coordination responsibilities from the Department of Health, Education and Welfare (HEW) to the Environmental Protection Agency (EPA). FAA Order 5050.2A was published in its entirety as part of the notice. Based upon the comments received, both substantive and editorial changes have been made. Since a substantial number of pages were revised and reprinted, the order has been redesignated as FAA Order 5050.2B and is incorporated by reference along with DOT Order 5610.1B in § 152.23(a)(6) of Part 152.

The revised procedures are based on requirements of section 102 of the National Environmental Policy Act of 1969 (Pub. L. 91-190); the Airport and Airway Development Act of 1970 (as amended) (Pub. L. 91-258); section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)); DOT Order 5610.1B, "Procedures for Considering Environmental Impacts" (39 FR 35234, September 30, 1974); and, Council on Environmental Quality (CEQ) Guidelines (40 CFR Part 1500; 38 FR 20550; August 1, 1973). To the extent that the above referenced statutes and orders are directive, the implementing procedures in FAA Order 5050.2B, are not readily amenable to change. However, all comments recommending changes or amendments were carefully considered and where such changes or amendments were permitted by existing law and appeared to be beneficial, changes have been made in Order 5050.2B.

Notice 75–32 identified the principal revisions in Order 5050.2A which were made to clarify environmental requirements and to provide guidance relating to environmental processes not covered in Order 5050.2. With respect to those items, and in response to comments received, a number of changes have been made in Order 5050.2B, as follows:

For clarity, the order refers to "changing a draft environmental impact statement to a negative declaration" instead of "terminating" that action, and the circumstances in which this action is appropriate have been more precisely stated.

The order previously listed a number of development actions which were excluded from the requirement for assessment. The order now identifies those development actions and environmental circumstances which require assessment and excludes all others.

Guidance on approval of airport layout plans (ALP) has been clarified by limiting the applicability to items of development approved by the FAA for the first time. This effectively eliminates retroactive application of the requirement. Additionally, the types of items subject to environmental approval in the ALP have been substantially reduced, and the procedures for conditional approval of the ALP have been simplified, including the elimination of the requirement for sponsor acceptance.

Guidance on land-use assurances has been clarified to recognize limitations on sponsor capabilities in this regard.

Guidance on content of impact statements and processing of statements has been further clarified particularly in the areas of Noise and Land Use, section 4(f) determinations (DOT Act), Historical and Archeological sites, Coastal Zone Management Programs, Endangered and Threatened Species, and Light Emissions.

In addition to the revisions identified in the notice and discussed above, extensive editing, consolidation, and reorganization has been accomplished for clarity, and a number of significant changes or additions have been made, as follows:

"Major new construction or expansion of passenger handling and parking facilities" has been defined and identified as a development item requiring environmental assessment. This addition was necessary to reflect 1976 amendments to the Airport and Airway Development Act.

More specific guidance relating to releases from land covenants has been added.

Requirements relating to findings for master planning grants have been deleted as redundant in view of the provisions in the order regarding airport layout plans and specific development projects resulting from master planning studies.

Guidance on the content of assessment reports for negative declaration actions has been further developed to include references to impact categories and guidance for the consideration and rejection of alternatives.

The checklist included as Appendix 2 (in Order 5050.2A) has been deleted as unnecessary in view of other editorial and organization changes made.

Five flow charts have been added as Appendix 2 to illustrate the sequence of required actions and to identify the party responsible for taking the action.

This amendment incorporates DOT Order 5610.1B and FAA Order 5050.2B by reference in § 152.23 of Part 152. Copies of those documents may be obtained from any FAA Regional Office headquarters or any Airports District Office. Copies are also available for inspection in the Rules Docket, Office of the Chief Counsel, FAA, Washington, D.C.

Since this amendment relates to public grants it may be made effective on less than 30 days notice.

This amendment is made under the authority of sections 11 through 27 of the Airport and Airway Development Act of 1970 (as amended) (Pub. L. 258; 84 Stat. 220–233), and section 1.47(g) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.47 (g)).

In consideration of the foregoing, Part 152 of the Federal Aviation Regulations is amended, effective October 21, 1976, as follows:

1. By revising § 152.23(a)(6) to read as follows:

§ 152.23 Procedures: Preapplication for aid; accompanying information.

(a) * * *

(6) The sponsor's environmental impact assessment report prepared in conformance with Department of Transportation "Procedures for Considering Environmental Impacts" (DOT Order 5610.1B, 39 FR 35234; September 30, 1974), and Federal Aviation Administration "Instructions for Processing Airport Development Actions Affecting the Environment" (FAA Order 5050.2B 41 FR --------; [1] October 21, 1976). DOT Order 5610.1B and FAA Order 5050.2B are incorporated into this Part and made a part hereof as provided in 5 U.S.C. 552(a) and pursuant to 1 CFR Part 51. Copies of those orders may be examined in the Rules Docket, Office of the Chief Counsel, FAA, Washington, D.C., and may be obtained on request at any FAA Regional Office headquarters or any Airports District Office.

* * * * *

2. By amending the first sentence in § 152.23(b) by inserting the word "report," between the words "statement," and "and."

§ 152.45 [Amended]

3. By amending § 152.45(b) by deleting the words "Secretary of Health, Education and Welfare" and inserting in place thereof the words "Administrator of the Environmental Protection Agency."

§ 152.73 [Amended]

4. By amending § 152.73(b) by deleting from the last sentence the word "analysis" and inserting in place thereof the words "impact assessment report."

5. By amending § 152.73(e) by deleting the words "Secretary of Health, Education, and Welfare" and by inserting the words "Administrator of the Environmental Protection Agency."

Incorporation by reference provisions approved by the Director of the Federal Register, September 27, 1976.

Issued in Washington, D.C., on October 12, 1976.

JOHN L. MCLUCAS,
Administrator.

[FR Doc.76-30514 Filed 10-20-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 140—ORGANIZATION, FUNCTIONS AND PROCEDURES OF THE COMMISSION

PART 145—COMMISSION RECORDS AND INFORMATION

Commission Central and Eastern Regional Office; Change of Address

Effective Monday, September 27, 1976, the Central Regional Office of the Commodity Futures Trading Commission has moved to new offices located at Sears Tower, 46th Floor, 233 South Wacker Drive, Chicago, Illinois 60606. The telephone number for general information will be (312) 353–5990.

Effective Monday, October 4, 1976, the Eastern Regional Office of the Commodity Futures Trading Commission has moved to new offices located at 1 World Trade Center, 47th Floor, New York, New York 10048. The telephone number for general information will be (212) 791–0790.

Prior to these changes of address, the Commission had adopted rules and regulations, certain provisions of which contain references to or addresses of the Commission's Central and Eastern Regional offices. To reflect the new addresses in each of these provisions, the Commission hereby adopts the following amendments to its rules and regulations:

1. The first sentence of each of paragraphs (a) and (c) of § 140.2 of Part 140 of Chapter I of Title 17 of the Code of Federal Regulations is amended to read as follows:

§ 140.2 Region Offices—Regional Directors.

* * * * *

(a) The Central Region office is located at Sears Tower, 46th Floor, 233 South Wacker Drive, Chicago, Illinois 60606, with a sub-office at Room 510, Grain Exchange Building, Fourth Street and Fourth Avenue, South, Minneapolis, MN 55415, and is responsible for enforcement of the Act and administration of the programs of the Agency in the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

* * * * *

(c) The Eastern Region office is located at 1 World Trade Center, 47th Floor, New York, New York 10048, and is responsible for enforcement of the Act and administration of the program of the Agency in the States of Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New

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[1] Found in the Notice section of this issue of the FEDERAL REGISTER.

Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

* * * * *

2. The first paragraph of § 145.6 of Part 145 of Chapter I of Title 17 of the Code of Federal Regulations is amended to read as follows:

§ 145.6 Public Reference Facilities.

The Commission shall have public reference facilities at its principal offices at 2033 K Street, NW., Washington, D.C. 20581, telephone (202) 254-8630 and at its regional offices:

Sears Tower, 46th Floor, 233 South Wacker Drive, Chicago, Illinois 60606, telephone (312) 353-5990.
510 Grain Exchange Building, Minneapolis, Minnesota 55415, telephone (612) 725-2025.
4800 Main Street, Room 356, Kansas City, Missouri 64112, telephone (816) 374-2994.
Two Embacadero Center, Suite 975, San Francisco, California 94111, telephone (415) 556-7503.
1 World Trade Center, 47th Floor, New York, New York 10048, telephone (212) 791-0790.

* * * * *

Dated: October 18, 1976.

William T. Bagley,
Chairman.

[FR Doc.76-30930 Filed 10-20-76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF-29; Reference No. 296]

PART 201—DISTILLED SPIRITS PLANTS

Corporate Officers and Directors; Correction

In FR Doc. 76-25355, appearing at page 36492 in the Federal Register of August 30, 1976, the statutory citation at the end of § 201.163b was omitted. As added, the statutory citation reads as follows:

§ 201.163b Changes in officers.

* * * * *

(Sec. 201, Pub. L. 85-859, 72 Stat. 1349 (26 U.S.C. 5171, 5172))

Signed: October 13, 1976.

Rex D. Davis,
Director.

[FR Doc. 76-30941 Filed 10-20-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-3—PROCUREMENT BY NEGOTIATION

Medicines and Medical Supplies

Chapter 8 of Title 41, Code of Federal Regulations, is amended as set forth below. Section 8-3.207 is revised to remove the limitation of $25,000 on authority of specified contracting officers to negotiate contracts for medicines and medical supplies. Section 8-3.209 is revised to reflect an editorial change for improved readability.

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the rulemaking process. However, the amendments herein concern agency procedures and practices. Therefore, the public rulemaking process is deemed unnecessary in this instance.

1. In § 8-3.207, paragraphs (a) (2), the introductory portion of (b) preceding paragraph (1), (c), (d), and (e) are revised to read as follows:

§ 8-3.207 Medicines or medical supplies.

(a) *General.* * * *

(2) When an individual is designated to act in the capacity of one of the positions specified in this § 8-3.207, that individual is authorized to consummate contracts in excess of $10,000 in the same manner as the incumbent of the position.

(b) *Drugs and chemicals.* The following contracting officers are authorized to negotiate contracts in excess of $10,000 for the purchase of drugs and chemicals:

* * * * *

(c) *Prosthetic appliances.* The following contracting officers are authorized to negotiate contracts in excess of $10,000 for the purchase of prosthetic appliances defined as wheelchairs, hearing aids and batteries, artificial limbs, canes and stump socks:

(1) Director, Supply Service.

(2) Chief, Procurement Division.

(3) Director, Veterans Administration Marketing Center.

(4) Chief, Marketing Division for Administrative Medical Supplies and equipment.

(5) One senior contracting officer, Marketing Division for Administrative Medical Supplies and Equipment, when so designated by the marketing division chief.

(d) *Medical equipment.* The following contracting officers are authorized to negotiate contracts in excess of $10,000 for the purchase of equipment of this nature:

(1) Director, Supply Service.

(2) Chief, Procurement Division.

(3) Director, Veterans Administration Marketing Center.

(4) Chief Marketing Division for Medical Equipment.

(5) One senior contracting officer, Marketing Division for Medical Equipment when so designated by the marketing division chief.

(e) *Radiological and nuclear equipment and supplies.* The following contracting officers are authorized to negotiate contracts in excess of $10,000 for the purchase of equipment and supplies of this nature:

(1) Director, Supply Service.

(2) Chief, Procurement Division.

(3) Director, Veterans Administration Marketing Center.

(4) Chief, Marketing Division for Radiological and Nuclear Equipment and Supplies.

(5) One senior contracting officer, Marketing Division for Radiological and Nuclear Equipment and Supplies when so designated by the marketing division chief.

2. In § 8-3.209, paragraphs (a) (2) and the introductory portion of (b) preceding paragraph (1) are revised to read as follows:

§ 8-3.209 Subsistence supplies.

(a) * * *

(2) When an individual is designated to act in the capacity of one of the positions specified in this § 8-3.209, that individual is authorized to consummate contracts in excess of $10,000 in the same manner as the incumbent of the position.

(b) The following contracting officers are authorized to negotiate contracts in excess of $10,000 for the purchase of subsistence supplies:

* * * * *

(72 Stat. 1114, sec. 205(c), 63 Stat. 390; (38 U.S.C. 210, 40 U.S.C. 486(c)))

Effective date. These regulations are effective October 21, 1976.

Approved: October 14, 1976.

By direction of the Administrator.

Odell W. Vaughn,
Deputy Administrator.

[FR Doc.76-30922 Filed 10-20-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-92]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Amateur Radio Service, Composition of Call Signs

Order. In the matter of amendment of Part 2 of the Commission's rules concerning the composition of call signs in the Amateur Radio Service.

Adopted: October 5, 1976.
Released: October 18, 1976.

1. On April 22, 1976 the Commission released its First Report and Order in Docket 20092, FCC 76-348, concerning the amendment of Part 97 of the Commission's rules to make special call signs available to Amateur Extra Class licensees. Subject to availability, specific unassigned "1 x 2" Amateur call signs (that is, call signs consisting of one letter, one digit, and two letters) were made available to Amateur Extra Class licensees.

2. As we indicated in our First Report and Order in Docket 20092, the number of unassigned 1 x 2 call signs is small, and the interest Extra Class licensees have shown in obtaining such call signs is high. We therefore wish to make as many 1 x 2 call signs as possible available to Amateur Extra Class licensees. As a first step in this direction, we are by

this order amending § 2.302 of the rules to permit issuance of 1 x 2 Amateur call signs with suffixes beginning with the letter "X". Call signs with suffixes beginning with the letter "X" are presently reserved for use by experimental radio stations. The Commission has not issued 1 x 2 call signs to experimental radio stations for some time and has no intention of so doing in the future. For this reason, such call signs are available for assignment to stations in the Amateur Radio Service. This amendment will make 52 additional 1 x 2 Amateur call signs available in each Amateur call sign area. The present prohibition against Amateur call sign suffixes beginning with the letter "X" will be continued for all other Amateur call sign formats.

3. Authority for this amendment appears in sections 4(i) and 303 of the Communications Act of 1934, as amended. We consider this to be a minor amendment of the Commission's rules, merely increasing slightly the call signs available to Amateur Radio Service licensees, and we therefore find that for good cause the prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 553, are unnecessary.

4. *Accordingly, it is ordered*, That Part 2 of the Commission's rules is amended as set forth below.

Effective November 2, 1976.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154,303).)

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

1. In § 2.302, the table regarding Amateur Radio Service call signs is amended to read as follows:

§ 2.302 Call signs.

* * * * *

Class of station	Composition of call sign	Call sign blocks
* *	* *	* * *
Experimental (letter "X" follows the digit).	2 letters, 1 digit, 3 letters	KA2XAA through KZ9XZZ, WA2XAA through WZ9XZZ.
Amateur (letter "X" may not follow digit).	1 letter, 1 digit, 1 letter.[4]	K1Z thorugh K0Z, N1Z through N0Z, W1A through W0Z.
Amateur	1 letter, 1 digit, 2 letters [4]	K1AA through K0ZZ, N1AA through N0ZZ, W1AA through W0ZZ.
Amateur (letter "X" may not follow digit).	1 letter, 1 digit, 3 letters [4]	K1AAA through K0ZZZ, N1AAA through N0ZZZ, W1AAA through W0ZZZ.
Standard frequency		WWV, WWVB through WWVI, WWVL, WWVS.
* *	* *	* * *

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[1] Commissioners Fogarty and White not participating.

[FR Doc.76-30933 Filed 10-20-76;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-8; Notice 5]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, to allow use of a two-lamp rectangular headlamp system on motor vehicles manufactured on or after November 1, 1976.

On April 15, 1976, the agency proposed (41 FR 15870) that a system of two headlamps conforming to SAE Recommended Practice J1132—"142mm x 200mm Sealed Beam Headlamp Unit," January 1976, be used as an option in a two-headlamp system, and that applicable referenced and subreferenced SAE Standards and Recommended Practices not specifically included in SAE J1132 be those published in the 1976 SAE Handbook. A corrective notice was published on May 6, 1976 (41 FR 18687) clarifying that the headlamps would be "designed to conform" with J1132, consistent with other requirements for compliance of lighting equipment. The comments have received full consideration in adoption of this amendment.

The proposal was generally supported by vehicle and lighting manufacturers. Commenters indicated approval of the relief of a design restriction and the allowance of a greater choice of headlamps. Those who opposed the proposal commented that it might be difficult to obtain a replacement headlamp and that the 2-lamp rectangular system would complicate the supply-distribution network. Others commented that new mechanical aimers would be required for the two-lamp system.

In response to these comments, a study of the introductory period of the 4-lamp rectangular system demonstrated that replacement lamps were generally available, the supply-distribution network functioned as well as with older conventional headlamps, and that rectangular lamps could be inspected and properly aimed as well as, if not better, than those with circular lenses. Although the 4-lamp system required development of a new mechanical aimer, the 2-lamp system will require only a simple adapter for the aimer.

Lamp manufacturers commented that the rectangular lamps may have more service performance difficulties than the circular types. However, unlike the 4-lamp system, the 2-lamp Type 2B system provides improved aim, about 15 percent higher photometrics in low beam performance, and up to 100 percent improvement in high beam performance.

In accordance with recently enunciated Department of Transportation policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16200) the agency has evaluated the economic and other consequences of this action on the public and private sector, including possible loss of safety benefits. Since the system itself is an optional one, in one sense there is neither an adverse or positive economic impact. A Type 2B headlamp is expected to cost 150 percent of a conventional Type 2 headlamp but because of the improved photometrics of the lamp, the amendment should result in an overall benefit to safety.

The National Motor Vehicle Safety Advisory Council has not taken a position on the amendment.

In consideration of the foregoing a new paragraph S4.1.1.34 is added to 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, to read as follows:

§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

* * * * *

S4.1.1.34 (a) Instead of a headlighting system employing two Type 2, 7-inch headlamp units, a passenger car, multipurpose passenger vehicle, truck, or bus manufactured on or after November 1, 1976, may be equipped with a system of two Type 2B headlamp units. A motorcycle manufactured on or after November 1, 1976, may be equipped with a system of either one or two Type 2B headlamp units. Each Type 2B headlamp unit shall be designed to conform to SAE Recommended Practice J1132, "142mm x 200mm Sealed Beam Headlamp Unit," January 1976, except that paragraph 5 titled "Service Performance" is not applicable.

(b) Applicable referenced and subreferenced SAE Standards and Recommended Practices not specifically included in SAE J1132 are those published in the 1976 edition of the SAE Handbook.

Effective date: November 1, 1976. Because the amendment relieves a restriction and allows an optional means of compliance, it creates no additional burden upon any person. Accordingly, it is found for good cause shown that an effective date earlier than 180 days after publication in the FEDERAL REGISTER is in the public interest.

(Sec. 103, 119 Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on October 13, 1976.

JOHN W. SNOW,
Administrator.

[FR Doc.76-30742 Filed 10-20-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-43; Ruling No. 126 (Cancels Rulings 103, 104, and 106)]

PART 1057—LEASE AND INTERCHANGE OF VEHICLES

Administrative Ruling

OCTOBER 1, 1976.

The following is an administrative ruling of the Bureau of Operations indicating what is deemed by the Bureau to be the correct application and interpretation of the regulations prescribed by the Commission governing the leasing equipment by motor common carriers. tract carriers, and the interchange of equipment by motor common carriers. Except where Commission or court decisions are cited, rulings of this kind are tentative and provisional and are made in the absence of authoritative decisions upon the subject.

The Lease and Interchange Regulations are set forth in Title 49 of the Code of Federal Regulations Part 1057. The rulings below generally follow the format of the regulations.

SECTION 1057.1 APPLICABILITY

Question 1. Do the regulations apply to the leasing of equipment to a private carrier or a shipper by a person not an authorized carrier?

Answer: No. The regulations have no application to such leasing arrangements. For such an arrangement to be proper, the shipper lesseee must have and exercise the exclusive right and privilege of directing and controlling the transportation service, and must assume in significant measure the characteristic burdens of the transportation business, including full responsibility to the public. H. B. Church, 27 M.C.C. 191 and U.S. v. Drum, 368 U.S. 370.

Authorized carriers may not lease vehicles to private carriers or shippers except under the conditions specified in § 1057.6 of the regulations.

Question 2. Is a carrier holding only temporary operating authority under section 210a (a) subject to any of the regulations?

Answer: No. Such a carrier is not an "authorized carrier" under the definition in § 1057.2(a). Allen, 84 M.C.C. 365, 368.

Question 3. When an authorized carrier leases vehicles for its use in transporting commodities in intrastate commerce or under the exemption in Section 203(b)(6) of the Act, do the leasing regulations apply?

Answer: No, if the vehicles are used solely for such transportation. If the vehicles are also used for authorized interstate hauling, either alone or mixed with intrastate or "exempt" movements, the leasing regulations are applicable.

Question 4. What particular advantage is there in leasing under the § 1057.3(a) exemption since it requires a written lease, a receipt, inspection, and identification?

Answer: It allows a carrier to trip lease a vehicle with driver under the conditions stated, whereas the regulations generally require a minimum of 30 days where a driver is furnished.

Question 5. When an authorized carrier leases equipment from another carrier under the § 1057.3(a) exemption, may the equipment be operated only to a point which lessor is authorized to serve?

Answer: No. The lessee must use the equipment for transportation under its authority in the direction of a point which the lessor is authorized to serve. The equipment may be leased for operation to any point before or beyond a point which lessor is authorized to serve, so long as such operation is in the general direction of a point which lessor is authorized to serve.

Question 6. When a vehicle is trip-leased by an authorized carrier from another such carrier, as provided in § 1057.3(a), and is operated by the lessee beyond the points or territory the lessor is authorized to serve, and there the lease ends and possession of the vehicle is retaken by the owner-lessor, may the vehicle then again be trip-leased by an authorized carrier for a return operation in the direction of a point which lessor is authorized to serve?

Answer: No. Section 1057.3(a) permits a vehicle regularly used in the service of an authorized carrier to be trip-leased by another authorized carrier for operation in the direction of a point which lessor is authorized to serve. When a vehicle is so trip-leased, it is not, for the duration of such lease, being used in the authorized service of the lessor. Therefore, it may again be trip-leased under § 1057.3(a) only following its usage in the authorized service of the lessor.

Question 7. What is the meaning of "a point which lessor is authorized to serve"?

Answer: It means a point from which the lessor is authorized to transport traffic. This is the obvious meaning since the purpose of the exemption is to provide a source of revenue to the lessor carrier for what otherwise would be a movement of empty equipment back to one of its authorized pickup points.

Question 8. Must a trip lease under § 1057.3(a) be made only from the point at which the lessor's immediately prior haul in the vehicle ended?

Answer: No. The vehicle may be taken empty to any point at which a suitable lease may be arranged to get the vehicle headed back in the direction of the lessor's pickup area. Thus, after completing a Denver to Chicago haul, a carrier may send his empty vehicle and driver to Peoria, Ill., a nonservice point, where another carrier will trip-lease it for a movement in the direction of Denver. The empty movement for the purpose of leasing out the vehicle is private carriage and requires no authority. See Sugar, 308 I.C.C. 773.

Question 9. Many trip-leasing arrangements reported in formal decisions have been found unlawful. Why has this happened?

Answer: Because the arrangements did not result in a bona fide operation by the lessee carrier. Rather they were shams to disguise an operation by the lessor over the lessee's rights. To be lawful there must be more than paper participation by the trip lessee.

The Commission has condemned so-called trip leases under which the lessee exerts little or no direction and control over the movement, and takes a flat payment for its part in the arrangement without responsibility for claims or other unexpected expenses, with the lessor carrier providing the freight, and in some cases already having it loaded before the so-called lessee takes over the vehicle. See Gregory, 74 M.C.C. 623; Stewart, 87 M.C.C. 681; and Watkins, 120 M.C.C. 92. A trip-leasing situation found to be lawful is described in McLain-Purchase-Contract Carrier, Inc., 104 M.C.C. 19.

Question 10. May a trip lease under § 1057.3(a) be followed by an interchange of the trip-leased equipment?

Answer: Yes, if the trip lease is bona fide and not a sham to disguise a through operation by the lessor carrier, there may be an interchange of the equipment from the trip-lessee to the lessor carrier or to some other authorized carrier. See Question 9 above as to proper arrangement.

Question 11. With reference to the § 1057.3(c) exemption, which requirements, if any, are applicable to equipment leased for use wholly within a municipality or commercial zone in collection or delivery service?

Answer: If the equipment is leased for use by an authorized carrier in performing its own collection and delivery service, the inspection and identification requirements apply. If the equipment is leased by a person for use in performing collection and delivery service under contract with an authorized carrier under the exemption provisions of section 202 (c)(2) of the Act, none of the requirements apply.

SECTION 1057.4—AUGMENTING EQUIPMENT

Question 12. The leasing agreement must be between the authorized carrier and the "owner" of the equipment. Who is the owner?

Answer: Under the definition in § 1057.2(f), "owner" means a person (1) To whom title to the equipment has been issued, or (2) who as lessee has the right to exclusive use of equipment for a period longer than 30 days, or (3) who has lawful possession of equipment and has the same registered and licensed in any State or States or the District of Columbia in his or its name.

Question 13. Is there any official or prescribed leasing form?

Answer: No. The actual conduct of the participating parties, rather than the words of a lease, determine whether the operation is lawful.

Question 14. May one written agreement cover the lease of more than one vehicle by the owner thereof to an authorized carrier?

Answer: Yes. Any number of individually identified vehicles may be covered by a single written agreement. Also the parties may have a master agreement containing the principal terms of the leasing arrangement, with suitable amendments, supplements, or addenda being made a part of the master agreement from time to time to identify equipment added or released, and to supply additional terms applicable to particular equipment. A copy of the lease agreement must be carried in each powered vehicle, together with any amendment etc. applicable to that vehicle, unless in lieu thereof a certificate as described in § 1057.4(d)(2) is carried.

Question 15. When may equipment be leased to an authorized carrier for less than 30 days?

Answer: A carrier may lease equipment for less than 30 days for use in its authorized operations provided:

1. The equipment is leased without a driver.

2. The equipment is leased with a driver, but:

(a) Is leased from another authorized carrier for use in the direction of a point which the lessor carrier is authorized to serve—§ 1057.3(a). See Questions 4 through 9 above.

(b) Has just completed a movement of agricultural or perishable products—§ 1057.4(a)(3)(i). See questions 38 through 44 below.

(c) Is owned or held under lease by an authorized automobile or tank truck carrier and leased or subleased to another such authorized carrier—§ 1057.4(a)(3)(ii).

(d) Is used for ice and snow control purposes—§ 1057.4(a)(3)(iii).

(e) Is used in the transportation of railway express or in substituted motor for rail transportation of railroad freight moving on railroad billing between railroad stations—§ 1057.3(b).

(f) Is used solely in commercial zone operations—§ 1057.3(c).

Question 16. Is it a true statement that a person claiming to be a motor carrier through the use of the vehicles of others must have and exercise direction and control of the operations performed with those vehicles?

Answer: Yes. This was said in Riss & Co., 48 M.C.C. 327, 360, in Lease and Interchange, 52 M.C.C. 675, 679–682, and in numerous decisions since including Peoples Express, 108 M.C.C. 174, 180, Tanksley, 110 M.C.C. 674, Hatcher, 112 M.C.C. 706, and the decisions cited in Question 9 above.

Question 17. Section 1057.4(a)(4) requires that the lease agreement provide for the complete assumption of responsibility for the equipment by the lessee. Does this prohibit the parties from providing in the lease agreement that the lessor will indemnify the lessee against claims for damage arising out of the negligence of the operation of the vehicle?

Answer: No. The requirement that the lease agreement provide for the complete assumption of responsibility in respect to the equipment by the lessee refers to responsibility to shippers, to the public, and to the Commission. The lessee must be primarily responsible to shippers, to the public which may be injured in accidents, and the Commission as regards the service rendered. Lease and Interchange, 52 M.C.C. 675, 681.

So long as the lessee assumes these basic responsibilities, the indemnification or "save harmless" clause in the lease affects only the relationship between the lessor and the lessee, and it is not of itself a violation of the control and responsibility requirement. It was so held in Transamerican Freight v. Brada Miller, 423 U.S. ---- (November 12, 1975).

Question 18. Does the relinquishing of possession of a leased vehicle for repairs, either to the owner or to a public garage, constitute a violation of § 1057.4(a)(4)?

Answer: The "exclusive possession" required by § 1057.4(a)(4) does not preclude the carrier-lessee from sending a leased vehicle to a public garage or to a garage of the vehicle owner for repairs, after which it is returned immediately to the carrier's service.

Question 19. Where the vehicle leased by an authorized carrier breaks down, may the lessor substitute another vehicle without executing a new lease agreement?

Answer: In such case, the lease of the first vehicle would come to an end when it is removed from service. It would, therefore, follow that the lease of a substitute vehicle by the authorized carrier would be a new arrangement and subject to all applicable sections of these regulations.

Question 20. May a carrier who leases a vehicle with driver under an agreement which complies with the regulations, sublease such vehicle to, or interchange such vehicle with, another authorized carrier?

Answer: Section 1057.4(a)(4)(i) states that the lease may provide for considering the lessee as the owner for the purpose of subleasing to other authorized carriers. If such subleasing is with driver, it must be for a minimum 30-day period unless a shorter period is permitted under § 1057.3(a) or under the exceptions to § 1057.4(a)(3). If the carrier-lessee is a common carrier it may interchange such equipment with the driver to another common carrier.

Question 21. Carrier A leases a vehicle with driver for general use from Carrier B for a period of 30 days or more. May Carrier A within the 30-day minimum period "sublease" the equipment with driver back to Carrier B? Also, if Carrier A leased the vehicle from an owner-operator for 30 days or more, may it "sublease" back to that owner-operator to enable the latter to perform an exempt agricultural movement in the latter's name?

Answer: Intermittent use of equipment under a long term lease by the lessor and lessee is permissible if the carrier engages in authorized transportation of household goods. See, § 1057.4(a)(4)(ii). In all other situations, the turning back of equipment by the lessee to the lessor, whether it is called a "sublease" or merely an arrangement for use, is viewed as a termination of the lease by mutual consent. If termination comes before the expiration of the minimum 30-day period, there results a violation of the 30-day minimum requirement.

Question 22. Do the intermittent operation provisions of § 1057.4(a)(4)(ii) apply only to the lease of equipment by one household goods carrier from another such carrier?

Answer: No. The purpose of this section of the regulations is to allow hauling agents who have entered into long term leases with the principal-carrier to use the leased equipment in their own service when it is not being used by the principal-carrier. Whether the hauling agent holds authority in its own name or is an intrastate carrier is not material.

Question 23. May an agent maintain long-term leases with two or more carriers on the same vehicle at the same time?

Answer: No.

Question 24. Must household goods carriers who have long-term lease agreements with hauling agents executie a new lease agreement each time a vehicle of an agent enters its service?

Answer: No. Section 1057.4(a)(4)(ii) is construed to mean that a vehicle which is under a long-term lease to an authorized household goods carrier may be used by the latter on an intermittent basis, and such carrier need assume the possession, control, use, and responsibility required by the regulations only during the time the vehicle is being operated by or for the authorized carrier under the continuing lease agreement.

Question 25. Must carriers of household goods comply with § 1057.4(b) by giving or taking receipts each time vehicles operated on an intermittent basis enter the service of the authorized carrier?

Answer: No. This rule is construed to mean that when the long-term lease agreement is initially entered into, the authorized carrier shall give the lessor a receipt for the vehicle and no other receipt giving or taking is required until the agreement is terminated, at which time the authorized carrier must obtain a receipt from the lessor showing that possession of the vehicle is relinquished.

Question 26. Is the method of compensation prescribed?

Answer: No. The amount must be determinable from the lease, but it may be stated variously, such as so much per mile, a percentage of the revenue the greater or lesser of amounts figured under alternate formulas, etc., or combinations thereof. Compensation for the equipment and the driver need not be stated separately.

Question 27. What must the lease specify as to compensation?

Answer: The lease must specify the method or manner in which the compensation is to be determined, the terms and conditions as to payment, and the circumstances under which payment, in whole or in part, will be withheld.

Where lessor's compensation is based on a percentage of the revenue, the lease must provide that upon lessors demand the lessee shall furnish the lessor either a copy of the freight bill on shipments he hauled, or make arrangements for him to inspect the bill.

These requirements are § 1057.4(a) (5).

Question 28. What provision is made for fuel-cost adjustments?

Answer: Section 1057.4(a)(5) requires that payment to lessors responsible for supplying fuel must be increased by an amount equal to the increased cost of fuel over the cost on May 15, 1973. Details on procedure are given in the rule. The special permission order there mentioned has been canceled.

Where carrier rates were increased after May 15, 1973, to offset rising fuel costs, and owners-drivers furnish fuel and are paid a percentage of the revenue, they are not entitled to the double benefit of the increase in their pay from the rate increase plus the difference between the May 15, 1976, cost of fuel and the present cost. Rather, the amount of the pay increase from the higher rates is set off against the amount of the increased fuel cost, with the owner-driver being paid the difference. Badger Lines, Inc., Petition, 123 M.C.C. 320.

Question 29. May required receipts for equipment be given by mail?

Answer: When no representative of the lessee is present when its use of the equipment under lease is completed, as may be the case in a one-way trip lease using lessor's driver, the receipt is considered to have been given by the lessor when it has been placed in the mail by the driver or other representative of the lessor addressed to the lessee.

Question 30. When an authorized carrier trip-leases a vehicle from an owner for a one-way movement, where that is permitted by these regulations, to a point on the line of a second carrier, and the equipment is then interchanged, may the second carrier relinquish possession of the vehicle at destination and obtain a receipt from the owner on behalf of the original lessee?

Answer: In such case, the authorized carrier who utilizes the vehicle in interchange service on the last leg of the movement may obtain a receipt from the owner and relinquish possession of the vehicle provided there is a prior arrangement whereby he would do so as agent for the carrier with whom the lease was originally made.

Question 31. Sections 1057.4 (c) and (e) have requirements as to safety inspections and driver qualifications to insure compliance with certain provisions of the motor carrier safety regulations of the Department of Transportation when carriers augment their equipment. Does this mean that the other provisions of those regulations are not applicable? Must these requirements be observed when interchanging equipment?

Answer: The lease and interchange regulations do not supersede, amend, or in any way make inapplicable any part of the motor carrier safety regulations of the Department of Transportation. The safety inspection requirements of § 1057.4(c) is in addition to periodic inspections required under the safety regulations, and by reason of § 1057.5(d) it applies when interchanging as well as when augmenting equipment. The driver qualification requirements of § 1057.4(e) are in the nature of a reminder as to what the Department of Transportation requires as to new drivers. A similar provision was not considered necessary in § 1057.5 because any driver of an interchanged vehicle already would be in the service of an authorized carrier; but there is no relaxation of the qualification requirements as to such drivers.

Question 32. Section 1057.4(c) requires that an inspection of the vehicle be made by a person who is competent and qualified to make such inspection and has been duly authorized by the carrier to make such inspection as a representative of the carrier. May the carrier appoint as its representative to make such inspection a driver or other employee of the person owning the equipment?

Answer: No. The person making the inspection must make it as a representative of the carrier under whose rights the transportation will be performed, and the carrier may not employ as its representative a person who has an adverse interest, such as the driver or an employee of the owner. See Bowling Green, 74 M.C.C. 167 and Powell, 77 M.C.C. 501. However, an impartial person not an employee of either carrier may make the inspection though at other times he may make inspections for the owner. See the answer to Question 33 below.

Where an individual under a long-term agreement to act as its exclusive agent in the handling of such carrier's business, including furnishing equipment, solicitation (and) booking of shipments, issuing freight bills or bills of lading, receiving drivers' reports, and collecting and accounting for transportation charges, such person, even though he be the owner of the equipment, may make the required inspection, provided the authorized carrier has found such agent competent and qualified to do so and has duly authorized him to make such inspection.

Question 33. May a carrier designate a garage as its representative to make inspections, as required under § 1057.4(c)?

Answer: A carrier may not authorize a garage to make the inspection, but it may authorize one or more competent and qualified *named* employees of a public garage to make the inspection for it, even though such named employees also are authorized to make inspections for other carriers with which the first carrier interchanges equipment.

Question 34. Section 1057.4(c) requires that an official of the carrier or a supervisory employee responsible for safety compliance must certify on the inspection form that the person making the inspection was competent and qualified to make such inspection. Must the carrier official or employee personally sign each such form?

Answer: The certification may be placed on the inspection form at any time after the form is completed and filed by the person making the inspection. It is assumed that the official or employee will have determined in advance that the person making the inspection was qualified and competent. The manner or method by which the official or employee affixes his signature on the inspection form is left up to him so long as he assumes responsibility for any certification to which his signature is so affixed.

Question 35. May a carrier inspect or have a vehicle inspected as required by §§ 1057.4(c) or 1057.5(d), prior to or at a point other than at the time and place where possession thereof is taken?

Answer: No. The above sections provide that where the inspection shows that the vehicle is not in compliance with the safety regulations of the Department of Transportation, possession shall not be taken (§ 1057.4(c)), and it is the duty of the carrier acquiring the equipment in interchange service to refrain from operating the equipment until the defects have been corrected (§ 1057.5(d)). It, therefore, follows that the inspection must be made at the time and place where the carrier takes possession of and assumes responsibility for the vehicle. See Vance-Purchase-Northern, 87 M.C.C. 545.

Question 36. Sections 1057.4(d) and 1057.5(e) require that identification devices be of durable material. What is meant by "durable material"?

Answer: The term "durable material" is construed to mean a material with the capacity of continuing in use indefinitely. Examples of the material to be used, that is wood, plastic, or metal, indicate that a substantial or lasting material shall be used for identification devices. Paper, cloth or other material which will not withstand weather or wind conditions indefinitely is not considered to be durable material.

Question 37. May shipper equipment be leased by motor carriers?

Answer: Yes. Vehicles with or without drivers may be leased from shippers provided the leasing regulations are observed. If the vehicles are used in transporting goods of the shipper-lessor, section 225 of the Act requires tariff publication of the payment. No payment should exceed what the carrier normally pays nonshipper lessors for similar equipment. Compare Payment for Leased Motor Vehicles, 276 I.C.C. 675 and Allowances, 258 I.C.C. 371, 378. Carriers are not required to lease equipment offered by shippers, and they may not make leasing contingent upon the shipper-lessor using the carrier's service.

Section 1057.4(a)(3)(i)—Equipment Used in Agricultural or Perishable Operations

Question 38. Is leasing of vehicles for use in hauling agricultural or perishable products covered by § 1057.4(a) (3)(i)?

Answer: No. This section describes how carriers may lease for less than 30 days, for use in their authorized operations, vehicles and drivers which have just completed a movement of agricultural or certain perishable products. All of the augmenting regulations apply except the 30-day provision.

Question 39. What vehicles used in agricultural or perishable operations come within the exception to the 30-day requirement in § 1057.4(a)(3)(i)?

Answer: Provided the statement required by § 1057.4(a)(3)(i) is obtained, the 30-day requirement does not apply to: (1) Any vehicle, regardless of who owns or is operating it, which has completed a movement in private or for-hire carriage of property consisting or ordinary livestock, fish (including shell fish), or agricultural (including horticultural) commodities (not including manufactured products thereof), and is next used by an authorized carrier:

(a) In a single loaded movement in any direction, or

(b) In one or more of a series of movements, loaded or empty, in the general area in which the equipment is based, or

(c) In first a movement described in (a) above, and then a movement described in (b) above.

(2) Any vehicle described in (a), (b), or (c) *below*, which is used by an authorized carrier in a single movement or in one or more of a series of movements, loaded or empty, in the general direction of the general area in which the equipment is based:

(a) Any vehicle controlled and operated by a farmer when used in the transportation of his agricultural (including horticultural) commodities or products thereof, or in the transportation of supplies to his farm.

(b) Any vehicle controlled and operated by a cooperative association or federation of cooperative associations of the kind referred to in section 203(b)(5) of the Interstate Commerce Act.

(c) Any vehicle of a private carrier of property used regularly in the transportation of property of a character embraced within section 203(b)(6) of the Interstate Commerce Act, or perishable products manufactured from perishable property of a character embraced within section 203(b)(6).

It will be seen that if a vehicle qualifies under (1) above, that is, has completed a movement of ordinary livestock, fish, or agricultural commodities, such as are referred in section 203(b)(6) of the Act, the first movement in which it is used by the authorized carrier may be in any direction, whereas, if the vehicle has not completed a movement of such property, but nevertheless qualifies under (2) above, any movement in which it is used by the authorized carrier must be in the general direction of the general area in which the vehicle is based. In returning to the general area of their base, all such vehicles may use any reasonably direct route.

Question 40. What is the meaning of "general area in which such motor vehicle is based"?

Answer: Ordinarily, it is the area in which the vehicle is kept when not in use and to which it normally returns when empty. A carrier may establish a temporary base for a given period, as, for example, a seasonal base for some or all of its vehicles in an area where agricultural commodities are plentiful. This then becomes for the season the area in which the motor vehicle is based.

Question 41. May the vehicles of an authorized carrier who also conducts operations within the 203(b)(6) exemption be trip-leased by another carrier at the completion of the exempt transportation?

Answer: Section 1057.4(a)(3)(i) specifies the conditions under which a vehicle used in exempt operations may be trip-leased. This section is applicable whether the vehicle be that of an authorized carrier or other, so long as it qualifies by reason of having completed a movement covered by the exemption.

Question 42. Under § 1057.4(a)(3)(i)(c) the authorized carrier which takes over the equipment must receive a statement signed by the owner or someone duly authorized to sign for the owner, authorizing the driver to lease the equipment. Since certain of the information required to be in the statement usually would not be known by the owner at the time the vehicles are dispatched from the origin, how may such a statement be prepared?

Answer: The requirements of § 1057.4(a)(3)(i)(c) will be met if the owner of the equipment, prior to dispatching the vehicle, signs a statement authorizing the driver to lease the equipment to an authorized carrier and includes therein a statement which duly authorizes the driver to sign for the owner the remainder of the statement required to be given to the authorized carrier. At the time the vehicle is leased to the authorized carrier the driver then may complete the statement by certifying that the vehicle meets the qualifications of § 1057.4(a)(e)(i)(c), and specifying the required information as to the last movement.

Question 43. When an authorized carrier trip-leases a vehicle under the provisions of § 1057.4(a)(3)(i) and operates it in a movement to a point beyond the general area in which the vehicle is based, may the same carrier or another authorized carrier then trip-lease the vehicle for a movement in the general direction of that base area?

Answer: In interpreting sections 204(f)(1) and (2) of the Act, on which this provision of the leasing regulations is based, it is necessary to bear in mind that the purpose of Congress was to provide a means whereby vehicles covered by those sections having made an outbound movement in the service of their owners may be trip-leased to authorized carriers to enable them to have revenue hauls back to their base area.

A vehicle qualified by reason of having completed a movement of ordinary livestock, fish (including shell fish), or unmanufactured agricultural or horticultural commodities may next be trip-leased by an authorized carrier in a singleloaded movement "in any direction" in addition to a subsequent movement or movements in the general direction of the base area, hence where the first movement of such vehicle goes beyond the base area, there may be additional trip-lease movement or movements in the direction of the base area, but once these additional movements reach or pass the base area, the vehicle may not again be trip-leased to an authorized carrier until it has completed another qualifying outbound trip in the service of its owner.

A vehicle which does not qualify for trip-leasing as explained just above, but does qualify by reason of its being operated by a farmer or cooperative association, or regularly used by a private carrier of perishable products manufactured from perishable agricultural commodities, is not permitted a first trip-lease movement in any direction but only movements in the general direction of its base area, hence when the first or subsequent movements reach or pass the owner's base area, the vehicle may not again be trip-leased to an authorized carrier until it has been returned to the qualifying operations of its owner.

Question 44. What is the meaning of the language "perishable products manufactured from perishable property of a character embraced in section 203(b)(6)" as it is used in § 1057.4(a)(3)(i)?

Answer: "Perishable" is interpreted to mean inherently subject to rapid deterioration, decomposition, or decay. Canned goods, dried, dehydrated and preserved goods, bottled goods, or other goods which must be kept under refrigeration to avoid rapid deterioration, decomposition or decay, are perishable products.

Question. To be within the quoted language, the products must themselves be perishable and must be manufactured from property that is both perishable and of a kind embraced in section 203(b)(6) of the Act. Thus, perishable products manufactured from fresh fish (including shell fish), from fresh fruits and fresh vegetables, from fresh eggs and fresh poultry, from fresh milk (such as butter and cheese), and from other perishable commodities embraced in section 203(b)(6) of the Act, are within the quoted language. Products manufactured from grain are not within that language because grain is not perishable. Livestock is not a perishable commodity, therefore, meat and meat products are not within the quoted language. Ex Parte MC-43, 91 M.C.C. 877.

SECTION 1057.5—INTERCHANGE OF EQUIPMENT

Question 45. May two authorized common carriers interchange at a point at which neither is authorized to originate shipments?

Answer: No. Section 1057.5(b) requires that each carrier have appropriate authority to perform its portion of the through movement. Thus, the first carrier must have authority to transport the shipment from origin to the interchange point and the second carrier must have authority to transport the shipment from such interchange point to destination or to a point where it will be further interchanged with a third such carrier.

Question 46. Must a separate agreement be made to cover each vehicle which is interchanged between authorized common carriers under § 1057.5?

Answer: No. A master agreement to cover all vehicles interchanged between particular carriers is permissible provided the required inspection is made of each vehicle which is interchanged. The vehicles need not be listed in the master agreement if the inspection form identifies the vehicle and the point of interchange, is properly completed and signed, and a master interchange agreement.

Question 47. Must the required inspection be made at the interchange point?

Answer: Yes. Until the inspection is completed, control over the equipment is not tranferred. An inspection made before or after the equipment passes through the point or area of service common to both carriers (the interchange point) does not meet the requirements. Vance-Purchase-Northern, 87 M.C.C. 545.

Question 48. Who may make inspection of equipment acquired in interchange?

Answer: Section 1057.5(d) requires that the inspection be made in the manner provided in § 1057.4(c) of the regulations. See Questions 31 through 35 above.

Question 49. Must commonly controlled carriers comply with the interchange regulations?

Answer: With one exception, they must comply in the same manner as if they were unaffiliated. New Dixie-Control-Jocie, 75 M.C.C. 659. The exception is that if the carriers jointly maintain and administer a uniform safety pro-inspection immediately prior to the start of the movement in which the interchange occurs, no inspection is required at the interchange point. See the last sentence of § 1057.5(d).

Question 50. Carrier A trip leases a vehicle and driver to Carrier B under § 1057.3(a) for a movement by the latter in the direction of a point which Carrier A serves. Upon arrival there, Carrier B interchanges the vehicle, load, and driver to Carrier A and the latter will complete the movement to its destination. Is this permissible? Is Carrier A required to inspect the equipment at the interchange point and execute an interchange agreement?

Answer: Equipment moving under a trip lease may be interchanged to the lessor carrier or to some other carrier. Interchange at the termination of the trip lease is mentioned as a possibility in § 1057.3(a).

If Carrier A takes back the equipment at the interchange point it still must inspect it as required by § 1057.5(d), because the equipment has been operating under the control and direction of Carrier B. However, in such a situation, since the equipment is returning to the service of its owner, an equipment interchange agreement would be meaningless and is not required. If some other carrier takes over the equipment in interchange, both an agreement and an inspection would be required.

The trip lease must be bona fide, and not merely a convenient means whereby Carrier A can haul its freight under Carrier B's rights. See Question 9 above.

Question 51. What may the last carrier do with interchanged equipment after the through movement is completed?

Answer: The last carrier may trip lease the equipment and driver to other authorized carriers for the return if it has appropriate operating authority, or return it empty to whatever point the owner designates. The owner, of course, has the right to specify which shall be done and the terms under which it will be done. See in this connection § 1057.5 (f).

Question 52. May motor common carriers interchange equipment where the line haul is by piggyback rail service?

Answer: Two or more motor common carriers participating in an equipment interchange movement may substitute rail service for the line haul if the circuity requirements of the piggyback regulations (49 CFR 1090.5) are met, even though the train does not traverse the common point at which the motor carriers would have lead to interchange in highway operations. The carrier receiving the equipment at the end of the rail haul must inspect it.

Question 53. May equipment be interchanged at state or foreign borders?

Answer: A border line is not a common point at which interchange of freight or equipment may be carried out. Farmers, 45 M.C.C. 267 and Heavy Haulers, Inc.,-Purchase-Baker, 75 M.C.C. 75.

However, a foreign carrier holding I.C.C. authority between the border and a United States point may interchange loaded equipment at that U.S. point with a U.S. carrier which equipment has come from or is going to the foreign country. The requirements of § 1057.5 apply regardless of the length of the hauls.

Where a U.S. carrier holds I.C.C. authority that reaches a crossing point on a foreign border, and permission from the foreign country to enter, any interchange of equipment in the foreign country is subject to that country's regulations, if any, and not to the I.C.C.'s regulations.

SECTION 1057.6—RENTAL OF EQUIPMENT TO PRIVATE CARRIERS AND SHIPPERS

Question 54. Generally what does § 1057.6 prohibit and allow?

Answer: Neither common nor contract carriers may rent equipment *with drivers* to private carriers or shippers, except for use in distributing newspapers or within commercial zones.

Common carriers (other than those transporting wholly for and on the billing of railroads) may not rent equipment *without drivers* to private carriers or shippers, except for use in distributing papers or within commercial zones.

Contract carriers may rent equipment without drivers to private carriers and shippers if they first obtain approval of the Commission, such approval not being necessary if the carrier transports property wholly for and on the billing of railroads, or if the equipment is to be used in distributing newspapers or within commercial zones.

Question 55. What is the status of a carrier holding both common and contract authority?

Answer: It is subject to the common carrier prohibitions, and may not take advantage of the more liberal contract carrier provisions.

Question 56. May an authorized carrier which owns or controls a separate leasing or rental corporation permit such a corporation to lease or rent vehicles to private carriers or shippers?

Answer: If the separate leasing or rental corporation conducts a bona fide business of leasing or renting vehicles to the general public, irrespective or whether it uses the transportation services of the carrier, this is permissible. However, an authorized carrier may not use a leasing or rental company which it owns or controls as a device by which concessions or rebates may be granted to shippers, nor allow the business to be conducted in such a way as to result in discriminate or other practices which are unlawful under the Interstate Commerce Act. See Ryder-Control-Miller, 70 M.C.C. 265 and Kampo, 91 M.C.C. 879, the latter decision holding that where a separate corporation is set up merely to lease equipment to particular shippers, it is improper.

Question 57. Is leasing for use in intrastate or exempt-commodity hauling forbidden by § 1057.6?

Answer: An authorized common or contract carrier is not forbidden by the rules to lease equipment, with or without drivers, to private carriers, shippers, or other for-hire carriers, for use solely in transporting shipments in intrastate commerce. See the definition of "shipper" in § 1057.2(b) of the regulations, also section 202(b) of the Act which reserves to the States the regulation of intrastate commerce by motor carriers. Likewise, leasing to other for-hire carriers for use in transporting exempt commodities is not forbidden.

Question 58. An authorized common carrier delivers a trailerload of goods to a consignee who wishes to retain the loaded trailer for several days so that he can conduct an advertised sale of the goods directly from the trailer. Is this prohibited by the § 1057.6 of the leasing regulations?

Answer. No. Since the trailer is not to be used by the consignee for performing transportation, the prohibition is § 1057.6 does not apply. Detention charges would apply after expiration of the free time.

Question 59. Under § 1057.6(b), may a railroad or a corporation affiliated with or controlled by such railroad, which performs operations under Part II of the Act, rent vehicles without drivers to private carriers or shippers?

Answer: No. The exception to this rule applies to authorized carriers transporting wholly *for* and on the billing of railroads and does not except the authorized common carrier railroad or subsidiary or affiliated corporation from the prohibition against renting vehicles without drivers to private carriers or shippers.

Question 60. Might concessions, preference, etc. be involved in leasing to shippers?

Answer: Yes. In all instances in which the rental of equipment to shippers is permissible it must be borne in mind that the arrangement, including any charge, should be such as to avoid discrimination and preference by a common carrier, or the giving of a concession or rebate by either a common or contract carrier. Rental of equipment for a noncompensatory charge, in consideration of receiving transportation business from the user, amounts to a concession. Charges for Use of Trailers, 49 M.C.C. 272.

The fact that the equipment is to be used in intrastate transportation, or in a foreign country, does not cure the unlawfulness in a preferential arrangement. Compare Armored v. B.D.C., 92 M.C.C. 665, where free intrastate transportation given to an interstate shipper was held to be a violation of section 216(d) of the Act.

JOEL E. BURNS,
Director.

[FR Doc.76-30968 Filed 10-20-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued and is effective during the period November 8 through November 27, 1976. Administrative and biological needs require the Moosehorn Refuge deer hunting season to be held concurrent with the Maine State hunting season. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Moosehorn National Wildlife Refuge, Maine, is permitted except on areas designated by signs as closed, during the State firearms season, November 8-27, 1976. This open area, comprising approximately 21,000 acres, is delineated on maps available at Refuge Headquarters, P.O. Box X, Calais, Maine 04619, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 27, 1976.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

OCTOBER 13, 1976.

[FR Doc.76-30875 Filed 10-20-76;8:45 am]

PART 32—HUNTING

Trempealeau National Wildlife Refuge Sub-Unit, Upper Mississippi River Wildlife and Fish Refuge, Wisconsin

The following special regulation is issued and is effective on October 21, 1976.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

WISCONSIN

TREMPEALEAU NATIONAL WILDLIFE REFUGE SUB-UNIT, UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of deer on the Trempealeau National Wildlife Refuge sub-unit of the Upper Mississippi River Wild Life and Fish Refuge is permitted on 680 acres. Maps of the area are available at the District headquarters at Trempealeau National Wildlife Refuge, Trempealeau, Wisconsin 54661.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) The season shall extend from November 20, 1976 through November 28, 1976.

(2) Only holders of special permits will be allowed to hunt deer and only for those days indicated on the permit. Twenty-four (24) permits by public drawing. Applications for permits are available from Trempealeau National Wildlife Refuge, Trempealeau, Wisconsin. One-half (12) of the permits are issued for Saturday, November 20, and twelve (12) for November 21, 1976. Any hunter not successful on those days will be allowed to hunt for the remainder of the season.

(3) No shooting may be done within a safety zone (posted) around the headquarters area or within 100 feet of any traveled road.

(4) Vehicles are restricted to designated roads.

(5) All hunters must check into the headquarters prior to hunting and check out each day after hunting.

(6) Permitted weapons are shotguns with rifled slugs only.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 28, 1976.

CHARLES A. HUGHLETT,
Acting Regional Director.

[FR Doc.76-30966 Filed 10-20-76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT ADMINISTRATION REGULATIONS

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Reporting Requirements; Boycott-Related Requests

Section 369.4 of the Export Administration Regulations was recently amended to provide for public inspection and copying of reports submitted to the Department of Commerce with regard to requests received on or after October 7, 1976, to comply with restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States (FEDERAL REGISTER of October 13, 1976 (41 FR 44861)). This publication further amends § 369.4, and revises the related reporting forms. These revisions are in further implementation of the President's directive to the Secretary of Commerce dated October 7, 1976, which was published as a part of the October 13th FEDERAL REGISTER notice.

One principal change effected hereby is the elimination of multiple transaction reports for restrictive trade practice and boycott-related requests, as described in Section 369.3. The receipt of all such requests must now be reported, in accordance with the requirements of Section 369.4 as now revised, on a single transaction basis. Accordingly, quarterly reporting has been eliminated. These requests are now required to be reported within fifteen calendar (not business) days after the end of the month in which the request or action became reportable. These changes will simplify in a number of ways the processing of information submitted to this Department, including the elimination of the large volume of reports shortly after the end of a quarter. Enforcement will also be simplified.

For example, a boycott-related request as described in § 369.3 which is received by a firm in October must be reported to this Department, in accordance with the revised § 369.4, and postmarked on or before November 15th. Similarly, such requests received during the month of November must be reported and postmarked on or before December 15th. For this quarter, reports no longer can be filed on a multiple transaction basis in January. While reports may be accumulated and filed monthly, it is urged that reports instead be made of each request soon after it is received. Your cooperation will further assist processing by this Department.

A further major change is the revision of the reporting forms to clarify ambiguities and to permit easier data processing, in part to respond to suggestions reflected in reports recently issued by the House Committee on Government Operations and the House Committee on Interstate and Foreign Commerce. In addition, the revised Section 369.4 and reporting forms provide specific guidance as to how the reporting entity may request this Department to protect business proprietary information from public inspection and copying pursuant to applicable sections of the Freedom of Information Act, as amended (5 U.S.C. § 552). Other than the first printing, the revised reporting forms will have a tear-off section which will simplify handling and separation of this material by this Department.

All reports made after the date of this notice must utilize the new forms DIB-621P (Rev. 10-76) or DIB-630P (Rev. 10-76), as appropriate, accompanied by the required supporting documentation. Further, each boycott-related request or action must be reported on a separate form. Reports filed on older versions of these forms will be returned for refiling within a stated period of time. The Department presently has a stock of the revised forms, which will be available at Departmental field offices within a few days. The Department will in the near future mail an Export Administration Bulletin to all subscribers to the Export Administration Regulations. A separate mailing of an interim supply of revised reporting forms will also be made within a few days to all persons and firms which have previously reported the receipt of a boycott-related request to the Department of Commerce.

A separate procedure will remain in effect for reports of requests which, on their face, could have the effect of discriminating against American citizens or firms, as described in Section 369.2. Reports of this type of request must be filed on a separate form DIB-630P (Rev. 10-76), within fifteen calendar (not business) days after receipt.

The reporting requirements have also been revised to state more clearly that a person or firm which takes an action in reliance upon a guidebook or similar publication, or in anticipation of the receipt of a boycott-related request, must report that action in timely fashion. A further clarification states that the receipt of a boycott-related request in bid or proposal documents, or in a trade opportunity, must be reported in a timely fashion, whether or not any response is made to the bid invitation, proposal or trade opportunity.

As was reflected in the above-referenced October 13 FEDERAL REGISTER notice, information in reports of boycott-related requests which were received by a reporting person or firm on or after October 7, 1976, will be made available by the Department for public inspection and copying. The exception will be business proprietary information (such as quantity, value, commodity and foreign consignee), which will be withheld by the Department under applicable provisions of the Freedom of Information Act, as amended (5 U.S.C. § 552). The material to be made available will be located in the DIBA Freedom of Information Facility, Room 3100, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Part 369 of the Export Administration Regulations is presently under review by the Department of Commerce. Written comments regarding Part 369, including this revision of § 369.4, are solicited on a continuing basis. Interested parties and government agencies are encouraged to submit relevant written comments, views, or data to the United States Department of Commerce, Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044.

USE OF REVISED FORMS

1. Reporting forms DIB-621P (Rev. 10-76) and 630P (Rev. 10-76) have been redesigned from a single copy form to a triplicate carbonless paper form. The original and first copy of the forms are to be submitted to the Office of Export Administration; the second copy is for use by the reporting person or firm. All entries on the forms must be completed, but the reporting person or firm may by checking the appropriate box(es) on the forms request that information such as the commodity or technical data, value, quantity, and the foreign consignee be withheld from public disclosure if such disclosure would place reporting entities at a competitive disadvantage. When such request is made, the Office of Export Administration will remove from the first copy, that portion of the form containing this information before making the copy available for public inspection and copying.

Additionally, two copies of the document in which the restrictive trade practice or boycott request appears (e.g., letter of credit, purchase order, etc.) must accompany the report. One copy of the document should be complete and unaltered; the other copy should be edited by the reporting person or firm to delete or obliterate the proprietary information requested to be withheld from public disclosure. This copy should be clearly marked "proprietary information deleted," and will be made available for public inspection and copying.

2. Form DIB-621P (Rev. 10-76) has been further revised to delete a previous Action Item that read: "The decision will be made by another party involved in the export transaction. . . ." The Department determined that this entry was extraneous inasmuch as all persons or firms that are required to report the receipt of a restrictive trade practice or boycott request must reach a decision as to whether or not they will take an action with respect thereto. Action Items 11 a, b, and c of the old Form DIB-621P have been revised to clarify the role of service organizations, which will be required to indicate whether they will or will not process the documents containing the request being reported.

Section 369.4 of the Export Administration Regulations (15 CFR Part 369.4) is amended to read as follows:

§ 369.4 Reporting requirements.

Any U.S. exporter which receives or is informed of a request for an action, including the furnishing of information or the signing of an agreement, which could have the effect of furthering or supporting a restrictive trade practice or boycott as described in §§ 369.2 or 369.3 above, shall file a report with the Office of Export Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, in accordance with the requirements of this section. Any related service organization (including, but not limited to, banks, insurers, freight forwarders, and shipping companies) which handles any phase of the transaction for the U.S. exporter and which receives or is informed of a boycott-related request as described above, also shall file a report with the Office of Export Administration in accordance with the requirements of this section.

The receipt of notices of laws or edicts contained in exporters' guidebooks or similar publications, or the receipt of general directives of a foreign principal that are to apply to future orders for goods or sevices, do not need to be reported. However, where a U.S. exporter or related service organization in reliance on such material takes an action which could have the effect of furthering or supporting a restrictive trade practice or boycott as described in § 369.2 or § 369.3 above, that action must be reported together with a copy of the document that evidences the action taken. Thus, for purposes of this Part 369, the term "request" will be deemed to include the taking of action as described above or in anticipation of the receipt of a boycott-related request (whether or not such request is eventually received), as well as actual boycott-related requests.

All reports shall be submitted in accordance with the requirements of this § 369.4; paragraph (b) governs requests described in § 369.2, and paragraph (c) governs requests described in § 369.3. If more than one document, such as an invitation to bid, purchase order, or letter of credit containing the same boycott-related request is received as part of the same export transaction by a person or firm required to report by this section, only the first request relating to the same goods or services need be reported by each such person or firm. Individual shipments against the same purchase order or letter of credit should not be treated as separate transactions. However, each different boycott-related request associated with a given export transaction must be reported, regardless of when or how the request is received. For example, if a report of a request is submitted following receipt of a bid invitation and the bid ultimately results in an order with new and different boycott-related requests, each new request must be reported. Also, if a person or firm, in bidding on a contract, is required to answer a questionnaire and subsequently is required to place restrictive trade practice certifications (e.g., that the vessel on which the commodities are to be shipped is not blacklisted) on its commercial documents covering shipments called for in the contract, the questionnaire and the certification requirement must be reported separately. Further, a request received in bid or proposal documents must be reported in accordance with this section whether or not any action is taken in response to the bid invitation, proposal or trade opportunity.

(a) *Disclosure of information.* Forms DIB–630P (Rev. 10–76) and DIB–621P (Rev. 10–76) and attached documentation, reporting a boycott-related request which was received or an action which was taken by the reporting U.S. exporter or related service organization on or after October 7, 1976, will be made available to the public for inspection and copying, except that business proprietary information (e.g., relating to quantity, value, commodity and the identity of the foreign consignee), may be withheld from public disclosure pursuant to applicable provisions of the Freedom of Information Act, as amended (5 U.S.C. § 552), if the reporting person or firm so requests on the basis that disclosure of this information could place a reporting entity at a competitive disadvantage. The report form and attached documents which will be available to the public for inspection and copying will be located in the DIBA Freedom of Information Records Inspection Facility, Room 3100, Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

(b) *Reporting requests covered by § 369.2*(1) Each report of a request as described in § 369.2 must be filed separately with the Office of Export Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, and postmarked within 15 calendar days of receipt of the request. Reports required by this § 369.4(b) must be submitted on the new Form DIB–630P (Rev. 1076). Earlier versions of Form 630P will not be accepted.

(2) The original and the first copy of the form are to be submitted to the Office of Export Administration. The second copy is for use by the reporting person or firm. All entries on the form must be completed, including that information which the reporting person or firm may identify as business proprietary information requested to be withheld from public inspection and copying. Two copies of the document in which the § 369.2 request appears (e.g., letter of credit, purchase order, etc.) must accompany the report.

(3) When requested by appropriate notation in item 9, item 10 of the first copy of Form DIB–630P (Rev. 10–76) will be detached by the Office of Export Administration prior to making this copy available for public inspection and copying. Additionally, one of the two copies of the document in which the § 369.2 request appears will also be made available for public inspection and copying. One copy should therefore be submitted complete and unaltered, and one copy should be properly edited by the reporting person or firm to delete the proprietary information reflected in item 10 which is requested to be withheld from public inspection and copying. This copy should be clearly marked "proprietary information deleted".

(c) *Reporting requests covered by § 369.3.* (1) Each report of a request as described in § 369.3 must be filed separately with the Office of Export Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, and postmarked within 15 calendar days of the end of the calendar month in which the request was received or action taken. Reports required by this § 369.4 (c) must be submitted on the new Form DIB–621P (Rev. 10–75). Earlier versions of Form IA–1014, DIB–621, or DIB–621P will not be accepted.

(2) The original and the first copy of the form are to be submitted to the Office of Export Administration. The second copy is for use by the reporting person or firm. All entries on the form must be completed, including that information which the reporting person or firm may identify as business proprietary information requested to be withheld from public inspection and copying. Two copies of the document in which the § 369.3 request or action appears (e.g., letter of credit, purchase order, etc.) must accompany the report.

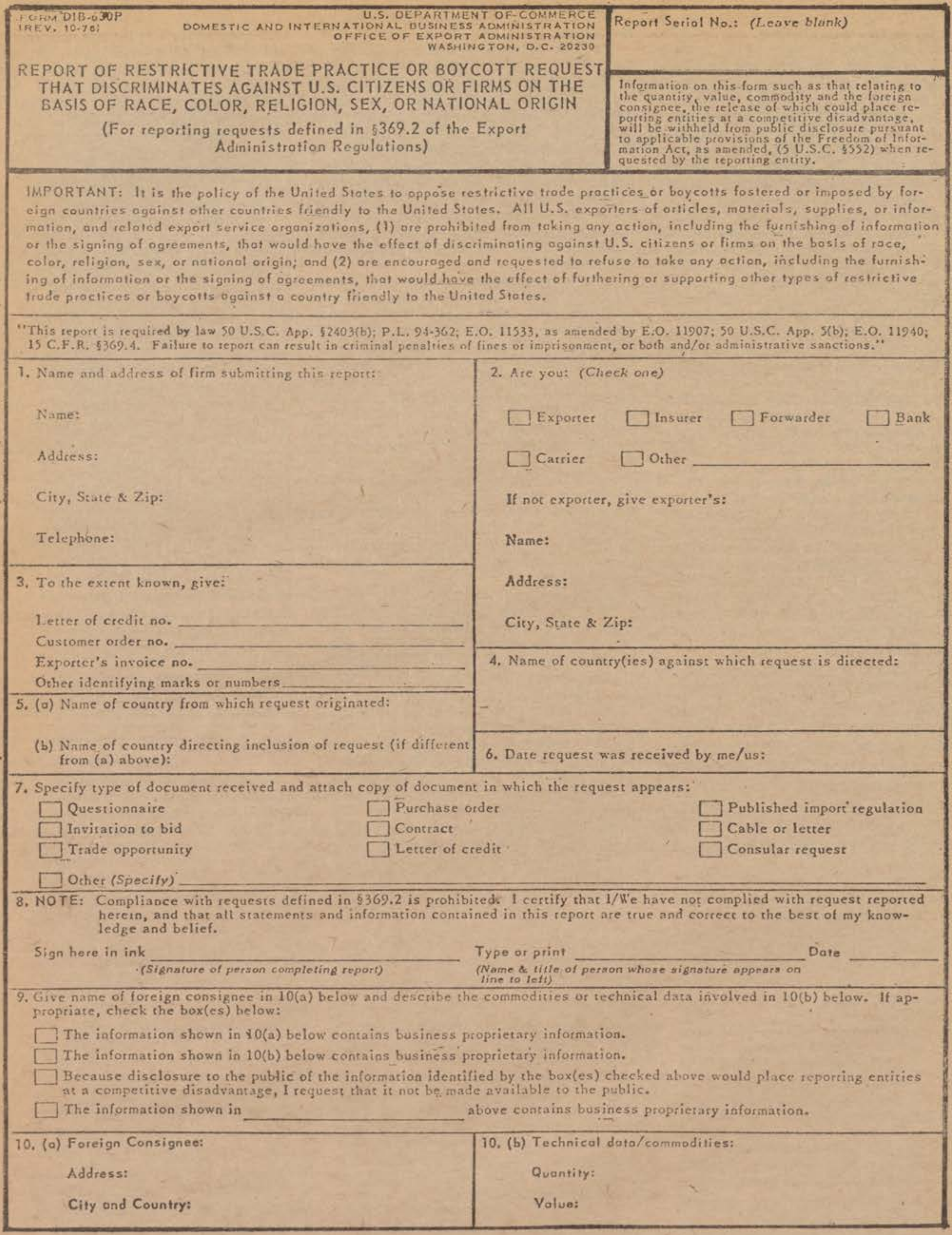
(3) When requested by appropriate notation in item 10, item 11 of the first copy of Form DIB–621P (Rev. 10–76) will be detached by the Office of Export Administration prior to making this copy available for public inspection and copying. Additionally, one of the two copies of the document in which the § 369.3 request or action appears will also be made available for public inspection and copying. One copy should therefore be submitted complete and unaltered, and one copy should be properly edited by the reporting person or firm to delete the proprietary information reflected in item 11 which is requested to be withheld from public inspection and copying. This copy should be clearly marked "proprietary information deleted".

Notice and public procedure in the formulation of this regulation are impracticable, unnecessary, and contrary to the public interest. In order to make the amended reporting requirements and forms available to persons and firms required to report and to make the information available to the public at the earliest possible date, this regulation is effective October 18, 1976.

(Sec. 2, E.O. 11940, September 30, 1976, 41 FR 43707.)

Effective date of action: October 18, 1976.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration.



FORM DIB-630P
(REV. 10-76)

U.S. DEPARTMENT OF COMMERCE
DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
OFFICE OF EXPORT ADMINISTRATION
WASHINGTON, D.C. 20230

Report Serial No.: *(Leave blank)*

REPORT OF RESTRICTIVE TRADE PRACTICE OR BOYCOTT REQUEST THAT DISCRIMINATES AGAINST U.S. CITIZENS OR FIRMS ON THE BASIS OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

(For reporting requests defined in §369.2 of the Export Administration Regulations)

Information on this form such as that relating to the quantity, value, commodity and the foreign consignee, the release of which could place reporting entities at a competitive disadvantage, will be withheld from public disclosure pursuant to applicable provisions of the Freedom of Information Act, as amended, (5 U.S.C. §552) when requested by the reporting entity.

IMPORTANT: It is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States. All U.S. exporters of articles, materials, supplies, or information, and related export service organizations, (1) are prohibited from taking any action, including the furnishing of information or the signing of agreements, that would have the effect of discriminating against U.S. citizens or firms on the basis of race, color, religion, sex, or national origin; and (2) are encouraged and requested to refuse to take any action, including the furnishing of information or the signing of agreements, that would have the effect of furthering or supporting other types of restrictive trade practices or boycotts against a country friendly to the United States.

"This report is required by law 50 U.S.C. App. §2403(b); P.L. 94-362; E.O. 11533, as amended by E.O. 11907; 50 U.S.C. App. 5(b); E.O. 11940; 15 C.F.R. §369.4. Failure to report can result in criminal penalties of fines or imprisonment, or both and/or administrative sanctions."

1. Name and address of firm submitting this report:

Name:

Address:

City, State & Zip:

Telephone:

2. Are you: *(Check one)*

☐ Exporter ☐ Insurer ☐ Forwarder ☐ Bank

☐ Carrier ☐ Other __________

If not exporter, give exporter's:

Name:

Address:

City, State & Zip:

3. To the extent known, give:

Letter of credit no. __________

Customer order no. __________

Exporter's invoice no. __________

Other identifying marks or numbers __________

4. Name of country(ies) against which request is directed:

5. (a) Name of country from which request originated:

(b) Name of country directing inclusion of request (if different from (a) above):

6. Date request was received by me/us:

7. Specify type of document received and attach copy of document in which the request appears:

☐ Questionnaire
☐ Invitation to bid
☐ Trade opportunity
☐ Purchase order
☐ Contract
☐ Letter of credit
☐ Published import regulation
☐ Cable or letter
☐ Consular request
☐ Other *(Specify)* __________

8. NOTE: Compliance with requests defined in §369.2 is prohibited. I certify that I/We have not complied with request reported herein, and that all statements and information contained in this report are true and correct to the best of my knowledge and belief.

Sign here in ink __________ *(Signature of person completing report)*

Type or print __________ *(Name & title of person whose signature appears on line to left)*

Date __________

9. Give name of foreign consignee in 10(a) below and describe the commodities or technical data involved in 10(b) below. If appropriate, check the box(es) below:

☐ The information shown in 10(a) below contains business proprietary information.

☐ The information shown in 10(b) below contains business proprietary information.

☐ Because disclosure to the public of the information identified by the box(es) checked above would place reporting entities at a competitive disadvantage, I request that it not be made available to the public.

☐ The information shown in __________ above contains business proprietary information.

10. (a) Foreign Consignee:

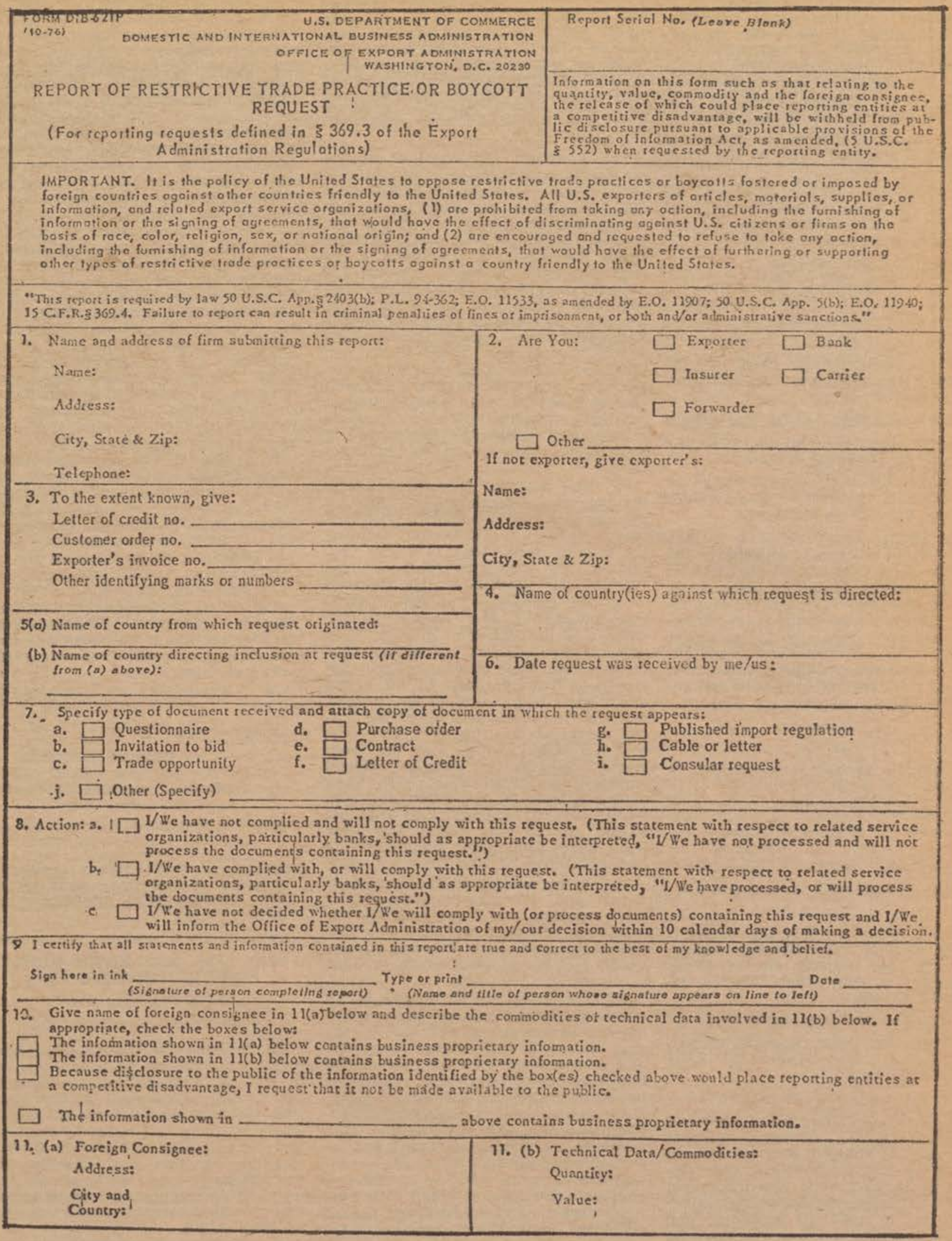
Address:

City and Country:

10. (b) Technical data/commodities:

Quantity:

Value:



FORM DIB-621P
(10-76)

U.S. DEPARTMENT OF COMMERCE
DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
OFFICE OF EXPORT ADMINISTRATION
WASHINGTON, D.C. 20230

Report Serial No. *(Leave Blank)*

REPORT OF RESTRICTIVE TRADE PRACTICE OR BOYCOTT REQUEST

(For reporting requests defined in § 369.3 of the Export Administration Regulations)

Information on this form such as that relating to the quantity, value, commodity and the foreign consignee, the release of which could place reporting entities at a competitive disadvantage, will be withheld from public disclosure pursuant to applicable provisions of the Freedom of Information Act, as amended, (5 U.S.C. § 552) when requested by the reporting entity.

IMPORTANT. It is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States. All U.S. exporters of articles, materials, supplies, or information, and related export service organizations, (1) are prohibited from taking any action, including the furnishing of information or the signing of agreements, that would have the effect of discriminating against U.S. citizens or firms on the basis of race, color, religion, sex, or national origin; and (2) are encouraged and requested to refuse to take any action, including the furnishing of information or the signing of agreements, that would have the effect of furthering or supporting other types of restrictive trade practices or boycotts against a country friendly to the United States.

"This report is required by law 50 U.S.C. App. § 2403(b); P.L. 94-362; E.O. 11533, as amended by E.O. 11907; 50 U.S.C. App. 5(b); E.O. 11940; 15 C.F.R. § 369.4. Failure to report can result in criminal penalties of fines or imprisonment, or both and/or administrative sanctions."

1. Name and address of firm submitting this report:

Name:
Address:
City, State & Zip:
Telephone:

2. Are You: ☐ Exporter ☐ Bank ☐ Insurer ☐ Carrier ☐ Forwarder ☐ Other ________

If not exporter, give exporter's:
Name:
Address:
City, State & Zip:

3. To the extent known, give:
Letter of credit no. ________
Customer order no. ________
Exporter's invoice no. ________
Other identifying marks or numbers ________

4. Name of country(ies) against which request is directed:

5(a) Name of country from which request originated:

(b) Name of country directing inclusion of request *(if different from (a) above)*:

6. Date request was received by me/us:

7. Specify type of document received and attach copy of document in which the request appears:

a. ☐ Questionnaire
b. ☐ Invitation to bid
c. ☐ Trade opportunity
d. ☐ Purchase order
e. ☐ Contract
f. ☐ Letter of Credit
g. ☐ Published import regulation
h. ☐ Cable or letter
i. ☐ Consular request
j. ☐ Other (Specify) ________

8. Action:
a. ☐ I/We have not complied and will not comply with this request. (This statement with respect to related service organizations, particularly banks, should as appropriate be interpreted, "I/We have not processed and will not process the documents containing this request.")
b. ☐ I/We have complied with, or will comply with this request. (This statement with respect to related service organizations, particularly banks, should as appropriate be interpreted, "I/We have processed, or will process the documents containing this request.")
c. ☐ I/We have not decided whether I/We will comply with (or process documents) containing this request and I/We will inform the Office of Export Administration of my/our decision within 10 calendar days of making a decision.

9 I certify that all statements and information contained in this report are true and correct to the best of my knowledge and belief.

Sign here in ink ________ Type or print ________ Date ________
(Signature of person completing report) *(Name and title of person whose signature appears on line to left)*

10. Give name of foreign consignee in 11(a) below and describe the commodities or technical data involved in 11(b) below. If appropriate, check the boxes below:
☐ The information shown in 11(a) below contains business proprietary information.
☐ The information shown in 11(b) below contains business proprietary information.
☐ Because disclosure to the public of the information identified by the box(es) checked above would place reporting entities at a competitive disadvantage, I request that it not be made available to the public.

☐ The information shown in ________ above contains business proprietary information.

11. (a) Foreign Consignee:
Address:
City and Country:

11. (b) Technical Data/Commodities:
Quantity:
Value:

[FR Doc.76-30971 Filed 10-18-76;4:33 pm]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

United States Standards for Grades of Walnuts (Juglans Regia) in the Shell; Correction

In FR Doc. 76-29380 appearing in the issue of Thursday, October 7, 1976, (41 FR 44187), the effective date of the standards is November 15, 1976.

Dated: October 15, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-30890 Filed 10-20-76;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—DISCONTINUANCE OF INSURANCE IN COUNTY PREVIOUSLY DESIGNATED FOR SUGAR BEET CROP INSURANCE

The county listed below is hereby deleted from the list of counties in the appendix to 7 CFR 401.101 published in the FEDERAL REGISTER on January 9, 1976 (41 FR 1578), as amended May 25, 1976 (41 FR 21336), which were designated for sugar beet crop insurance for the 1977 crop year pursuant to the authority contained in 7 CFR 401.101 of the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years.

CALIFORNIA

RIVERSIDE

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516).)

Dated: October 13, 1976.

WARREN E. DIRKS,
Manager,
Federal Crop Insurance Corporation.

[FR Doc.76-30885 Filed 10-20-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 550]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period October 22-28, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.850 Valencia Orange Regulation 550.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues good. Prices f.o.b. for the week ending October 14, were $3.92 per carton on 619 cars as compared with $3.94 per carton on 813 cars during the prior week. Track and rolling supplies at 338 cars were down 51 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 19, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period October 22, 1976, through October 28, 1976, are hereby fixed as follows:

(i) District 1: 292,000 cartons;
(ii) District 2: 358,000 cartons;
(iii) District 3: Unlimited."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: October 20, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-31206 Filed 10-20-76;11:56 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 4; Docket No. AO-160-A53]

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of this order amending the order provisions constituting the Advertising and Promotion Program is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

§ 1004.61 [Amended]

1. In § 1004.61, paragraphs (a)(3) and (b)(1) (i) and (ii) are amended by changing the number "5" to "7."

§ 1004.71 [Amended]

2. In § 1004.71, paragraph (b)(2) is amended by changing the number "5" to "7."

§ 1004.76 [Amended]

3. In § 1004.76, paragraph (b)(5) is amended by changing the number "5" to "7."

4. In § 1004.113, paragraph (c)(1) is revised to read as follows:

§ 1004.113 Selection of Agency members.

* * * * *

(c) * * *

(1) Promptly after the initial effective date of the advertising and promotion program under this order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperative and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

* * * * *

§ 1004.120 [Amended]

5. In § 1004.120, the last sentence of paragraph (c) is deleted and paragraph (d) is amended by changing the number "5" to "7."

6. In § 1004.121, paragraphs (a), (b), and (c) are revised to read as follows:

§ 1004.121 Duties of the market administrator.

* * * * *

(a) Within 30 days after the initial effective date of the advertising and promotion program under this order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1004.113(c);

(b) Set aside the amounts subtracted under § 1004.61(a)(3) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to paragraph (b)(4) of this section; payments, if any, to producers or states pursuant to paragraph (b)(2) and (3) of this section; and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) To producers, a refund of the amounts of mandatory checkoff for advertising and promotion programs required under authority of state law applicable to such producers, but not in amounts that exceed a rate of 7 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1004.61(a)(3).

(3) To any state after the end of each calendar quarter, a payment on behalf of any producer for which a specific authorization has been received pursuant to § 1004.120(d), but not in an amount that exceeds a rate of 7 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1004.61(a)(3) for such calendar quarter.

(4) To each producer after the end of each calendar quarter, a refund for which the producer has made application pursuant to § 1004.120. Such refund shall be at a rate of 7 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1004.61(a)(3) for such calendar quarter, less the amount of any refund otherwise made to, or on behalf of, the producer pursuant to paragraph (b)(2) and (3) of this section.

(c) Forward to each new producer a copy of the provisions of the advertising and promotion program (§§ 1004.110 through 1004.122).

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

The United States Department of Agriculture has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Effective with respect to marketings on and after January 1, 1977.

Signed at Washington, D.C. on: October 18, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76–30969 Filed 10–20–76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies, Procedures and Authorizations

MISCELLANEOUS REVISIONS

Paragraphs (e), (f), (j), (k), (l), (m), (n), (o), (p), and (u), of § 1832.3 of Subpart A of Part 1832, Title 7, Code of Federal Regulations (40 FR 42321), are revised. All of these revisions are editorial in nature, except the revision of paragraph (l). Paragraph (l) has been revised to change the method of determining the normal year's production to the highest 4 out of the 5 years of production history immediately preceding the disaster and the types of records required as proof of an applicant's production level in qualifying for an emergency loan.

Section 1832.16(a)(4) has been moved to § 1832.16(b) as paragraph (8), to reflect the change in classifying actual expenses incurred for crops not planted "as a physical and not a production loss."

Also § 1832.43(c) has been renumbered (d) and a new § 1832.43(c) added to authorize additional loans to borrowers who have obtained EM loans for actual losses to their 1976 farming operations.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption of 5 U.S.C. 553. These revisions, however, are being published without notice of proposed rulemaking because such notice would delay the granting of emergency loans to eligible disaster victims causing possible financial losses, and is therefore contrary to the public interest. Any delay in the issuance of the regulations may cause extreme hardship to many disaster victims who cannot provide the information presently required by paragraph (1). In addition, such delay may cause an adverse effect on local economy of areas affected by natural disasters.

In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data or arguments to the Office of Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before November 22, 1976. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this Subpart A as revised will remain effective until it is further revised or amended, in order to permit the public business to proceed expeditiously. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m. to 4:45 p.m.). As revised, § 1832.3 (e), (f), (j), (k), (l), (m), (n), (o), (p) and (u) read as follows:

§ 1832.3 Definitions.

* * * * *

(e) *Major disaster.* This term means any disaster in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance above and beyond normal emergency services by the Federal Government, to supplement the efforts and available resources of States, local government, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(f) *Presidential emergency.* This term means any disaster in any part of the United States which is of such magnitude that the President makes a declaration and which requires Federal emergency assistance to supplement State and local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.

* * * * *

(j) *Incidence period.* This term means the specific time frame established for the occurrence of the qualifying disaster.

(k) *Termination dates.* Termination dates are those dates specified in disaster declarations, designations, or State Director authorizations which establish the final dates after which EM loan applications may no longer be received. For physical losses, termination dates are 60 days from the date of declaration, designation, or State Director authorizations, and for production losses, 9 months from such date. The 60-day and 9-month periods will commence on the first workday following the designation. The final day for accepting applications will always be on a workday. Therefore, if the last day falls on a nonworkday, Saturday, Sunday, or Federal holiday, the next workday will be the final day.

(l) *Normal year's production.* The normal year's production shall the average production per animal or acre on the farm the applicant operates based on his total production (acres x yield) or (number animals x production) for the highest 4 out of the 5 years immediately preceding the disaster. Applicants will furnish proof of production history for the preceding 5 years on Form FmHA 441-22 "Certification of Disaster Losses" along with supporting records sufficient to permit verification by FmHA.

(1) If an applicant does not have proof of production history for one or more of the 5 years he operated the farm, production history for such year(s) shall be the same as for the lowest production year for which records are furnished.

(2) If an applicant's records for 1 or more of the 5 years were destroyed by a disaster, production history will be established by using the county average production for those years provided by the Crop Reporting Service.

(3) If an applicant has not operated the farm all of the immediately preceding 5 years, production history for those years he did not operate the farm will be established by using the county average production for those years provided by the Crop Reporting Service.

(4) Production history for an enterprise for which the applicant does not have a 5-year history of operation on the farm will be established by using the county average as provided by the Crop Reporting Service for each year the enterprise was not conducted on the farm.

(5) Production history for feed crops will be established by using the county average for the previous 5 years provided by the Crop Reporting Service unless the applicant has records which provide higher production than such average.

(6) Applicants without sufficient records or any information from which the 5-year production history can be established will be required to so certify and such certification will become a permanent part of the County Office case file. The following certification will be typed by the County Office for signature of the applicant:

My (our) records for the year 19__ were destroyed by a disaster on ________, 19__. OR

I (we) did not keep records of my (our) farming operations, or any information from which production history can be established during the following year or years ________.

Applicant Certification: It is understood that the information shown herein will be used to determine my emergency loan eligibility; and I certify, subject to penalties provided by law, including any civil and criminal fraud penalties, that such information is true, correct, and complete to the best of my knowledge and belief.

____
(Date)

____
(Signature of applicant)

(m) *Single enterprise.* This term means an enterprise which constitutes part of the applicant's farming, ranching, or aquaculture operation. The following are examples of "single enterprises":

(1) All cash field crops;
(2) All cash vegetable crops;
(3) All cash fruit crops;
(4) All feed crops;
(5) Beef operations;
(6) Dairy operations;
(7) Hog operations;
(8) Aquaculture operations;
(9) Poultry operations;

NOTE.—Some crops such as corn may be produced as a cash or feed crop. In such cases the actual acres produced for each purpose for the past 5 years will be used in determining a ration of production for acres of the crop grown for feed or for sale.

(n) *Basic enterprises.* This term means any single enterprise which constitutes not less than 25 percent of the applicant's normal total farming operation's gross income. The value of the feed produced for livestock use to qualify feed crops as a basic enterprise must be at least equal to 25 percent of the value of the total feed fed to the livestock annually. However, for a feed crop to be considered a basic enterprise one or more (individually or collectively) of the livestock enterprises must qualify as a basic enterprise.

(o) *Production loss.* To qualify for a production loss the applicant must have sustained at least a 20 percent loss of normal per acre or per animal production as a result of the disaster in one or more basic enterprises. Livestock increases, i.e. (calves, pigs, etc.) are considered as production. Reductions in the production of livestock products due to feed crop losses will not be considered as production losses when purchased feed is available to purchase, regardless of the cost of feed. When the disaster has severely disrupted the usual feeding pattern of a livestock enterprise because of extended utility failure or inaccessibility to the livestock, a loss in production (i.e. milk, eggs, weight losses, etc.) may be calculated based on the reduction from normal for the disruption period and the period needed to bring production to the normal level.

(p) *Physical loss.* This is damage to or destruction of physical property including farmland (except sheet erosion); structures on the land such as buildings, fences, dams, etc.; machinery, equipment, and tools; basic livestock; supplies; and actual expenses incurred for crops not planted.

* * * * *

(u) *Insured loan.* This term means an EM loan directly made and serviced by FmHA as lender from the Agricultural Credit Insurance Fund.

* * * * *

§ 1832.16 [Amended]

In § 1832.16 *Determining losses and maximum amount of loan for actual losses,* paragraph (a) (4) has been moved to paragraph (b) as paragraph (8) and the former paragraph

(8) has been renumbered (9). Paragraphs (5) thru (9) of paragraph (a) have been renumbered (4) thru (8) respectively.

§ 1832.43 Additional EM loans.

* * * * *

(c) Borrowers who obtained loans for actual losses, as reflected by the loss statement filed concerning their 1976 farming operation will upon request have their actual losses recalculated using the highest 4 out of 5 years immediately preceding the disaster as their normal year's production (as defined in § 1832.3(1)) and may receive an additional loan for any additional amount at a 5 percent interest rate.

(d) New appraisal reports of real estate will not be required if the appraisal report in the file is not over two years old unless the approval official requests a new appraisal report. Any changes in the value of real or chattel security will be recorded, dated and initialed by the authorized appraiser on the appropriate appraisal reports in the file.

(7 U.S.C. 1989, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This document shall be effective on October 21, 1976.

Dated: October 14, 1976.

Frank W. Naylor, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-31162 Filed 10-20-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

ISLE ROYALE NATIONAL PARK, MICHIGAN

Mammalian Pets

Notice is hereby given that pursuant to the authority contained in Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3); Section 3 of the Act of March 6, 1942 (56 Stat. 133; 16 U.S.C. 408k); 245 DM 1 (34 FR 13879), as amended; National Park Service Order No. 77 (38 FR 7478), as amended; and Regional Director, Midwest Region Order No. 5 (37 FR 6324), as amended, it is proposed to amend § 7.38 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to prohibit mammalian pets within the Park. Isle Royale National Park is an isolated island wilderness. Because of the island's distance from the mainland, the mammalian wildlife population has been fairly well protected from the cultural effects of man. One of the greater values of the Park is to continue this protection, and to perpetuate the wildlife population in as natural a state as possible for the scientific and historical interest of future generations.

The presence of domesticated mammalian pets in Isle Royale National Park could very well introduce disease organisms into the wild populations with effects that could range from mild to catastrophic.

The wild canids of the Park, the Eastern Timber Wolf and the Red Fox, are especially susceptible to the introduction of disease organisms from domestic pets. In particular, loss of the wolves and their control over the moose and beaver populations, would have effects that would drastically change the entire ecology of the Park.

Other pets, such as birds and fish, have not been included in this regulation since disease organisms from these sources could also reach the island by normal migration of wild species.

This position is supported by the principal Park researchers from Purdue University, Michigan Technological University and by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments.

The Midwest Region of the National Park Service has concluded that this proposed rulemaking will not significantly affect the quality of the human environment and therefore an environmental statement is not necessary.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Isle Royale National Park, 87 N. Ripley Street, Houghton, Michigan 49931, on or before November 22, 1976.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821. The impact will be minor and preparation of an inflation impact statement is not required.

It is proposed to amend 36 CFR 7.38 by revising paragraph (c) as follows:

§ 7.38 Isle Royale National Park.

* * * * *

(c) *Domesticated mammals.* Domesticated mammalian pets are prohibited, except for guide dogs accompanying the blind.

JOHN M. MOREHEAD,
Superintendent,
Isle Royale National Park.

[FR Doc.76-30928 Filed 10-20-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 966]

TOMATOES GROWN IN FLORIDA

Proposed Amendment No. 1 to Handling Regulation

This proposal, designed to continue the orderly marketing of Florida tomatoes, would extend through June 18, 1977, the minimum grade, size, pack, container, marking and inspection requirements effective October 17–November 17, 1976, (41 FR 43909) on fresh shipments of Florida tomatoes to keep undesirable ones from being shipped to consumers.

Consideration is being given to issuing the amended handling regulation, hereinafter set forth, which was unanimously recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Marketing Order No. 966, both as amended (7 CFR Part 966). This program regluates the handling of tomatoes grown in the production area and is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1976–77 crop of Florida tomatoes and the marketing prospects for this season. The proposed amendment would extend the current regulation which is similar to those issued during past seasons. The proposed grade and size requirements are necessary to prevent tomatoes of lower quality and undesirable sizes from being distributed in fresh market channels. Such tomatoes are usually of negligible economic value to producers. This would provide consumers with tomatoes of good quality and size throughout the season consistent with the overall quality of the crop. The proposed requirements for containers, container net weights, and size classifications are intended to standardize shipments in the interst of orderly marketing and to improve returns to growers.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Shipments would be allowed to certain special purpose outlets without regard to minimum grade, size, container or inspection requirements provided that safeguards were used to prevent such tomatoes from reaching unauthorized outlets. Tomatoes for canning are exempt under the legislative authority for this part. Since no purpose would be served by regulating tomatoes used for relief or charity purposes such shipments would also be exempt. Because export requirements differ materially, on occasion, from domestic market requirements such shipments would also be exempt. The following types of tomatoes would be exempt from these regulations: elongated types commonly referred to as pear shaped or paste tomatoes, cerasiform type tomatoes commonly referred to as cherry tomatoes, hydroponic tomatoes and greenhouse tomatoes. Such types are generally of good quality, readily identifiable either by their distinctive shapes or container markings and usually comprise a very small part of the total crop. Tomatoes marketed within the regulated area would be unregulated because of an increase in the u-pick type of harvest in Florida production areas close to urban areas and resulting difficulty in obtaining compliance with regulations. The minimum quantity exemption would permit persons to handle up to 60 pounds of tomatoes per day without regard to the requirements of this part. This would reduce the problem of enforcement on small shipments of essentially noncommercial nature. The proposals concerning special pack shipments are intended to help handlers in the production area compete on an equal basis with those outside the area by not requiring reinspection of previously inspected and certified tomatoes when repacked in consumer size packages.

Consideration will be given to any written data, views, or arguments pertaining to this proposal which are filed in duplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 5, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amended regulation is as follows:

§ 966.315 Handling regulation.

During the period November 18, 1976, through June 18, 1977, no person shall handle any lot of tomatoes for shipment outside the regulated area unless they meet the requirements of paragraph (a) or are exempted by paragraphs (b) or (d).

(a) *Grade, size, container and inspection requirements.*

(1) *Grade.* Tomatoes shall be graded and meet the requirements specified in either § 51.1855 U.S. No. 1, § 51.1856 U.S. Combination, § 51.1857 U.S. No. 2 or § 51.1858 U.S. No. 3, of the U.S. Standards for Grades of Fresh Tomatoes, or when not more than 15 percent of tomatoes in any lot fail to meet the requirements of U.S. No. 1 grade and not more than one-third of this 15 percent (or 5 percent) are comprised of defects causing very serious damage including not more than one percent of tomatoes which are soft or affected by decay, such tomatoes may be shipped and designated as at least 85 percent U.S. No. 1 grade.

(2) *Size.* (i) Tomatoes shall be at least 2 4/32 inches in diameter and be sized in accordance with § 51.1859 of the U.S. tomato standards.

(ii) Tomatoes of designated sizes may not be commingled unless they are over 2-17/32 inches in diameter and each container shall be marked to indicate the designated size.

(iii) Only the generic terms as defined in § 51.1859 may be used to indicate size designations on containers of tomatoes; except that the following abbreviations may be used—SML for small, MED for medium, LG for large, EX LG for extra large, or MAX LG for maximum large.

(3) *Containers.* (i) Tomatoes shall be packed in containers of 20, 30 or 40 pounds designated net weights and comply with the requirements of § 51.1863 of the U.S. tomato standards.

(ii) Each container shall be marked to indicate the designated net weight and must show the name and address of the shipper in letters at least one-fourth (1/4) inch high.

(iii) If the container in which the tomatoes are packed is not clean and bright in appearance without marks, stains or other evidence of previous use, the lid of such container shall be marked with the words "USED BOX" in letters not less than three-fourths (3/4) inch high.

(4) *Inspection.* Tomatoes shall be inspected and certified pursuant to the provisions of § 966.60. Each handler who applies for inspection shall register with the committee pursuant to § 966.113. Registered handlers shall pay assessments as provided in § 966.42. Evidence of inspection must accompany truck shipments.

(b) *Special purpose shipments.* The requirements of paragraph (a) of this section shall not be applicable to shipments of tomatoes for canning, relief, charity or export if the handler thereof complies with the safeguard requirements of paragraph (c) of this section. Shipments for canning are also exempt from the assessment requirements of this part.

(c) *Safeguards.* Each handler making shipments of tomatoes for canning, relief, charity or export in accordance with paragraph (b) of this section shall:

(1) Apply to the committee and obtain a Certificate of Privilege to make such shipments.

(2) Prepare on forms furnished by the committee a report in quadruplicate on such shipments authorized in paragraph (b) of this section.

(3) Bill or consign each shipment directly to the designated applicable receiver.

(4) Forward one copy of such report to the committee office and two copies to the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within ten days after shipment shall be cause for cancellation of such handler's certificate and/or receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate, the handler may appeal to the committee for reconsideration.

(d) *Exemption.* (1) *For types.* The following types of tomatoes are exempt from these regulations: Elongated types commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top and Roma varieties; cerasiform type tomatoes commonly referred to as cherry tomatoes; hydroponic tomatoes; and greenhouse tomatoes.

(2) *For minimum quantity.* For purposes of these regulations each person subject thereto may handle up to but not to exceed 60 pounds of tomatoes per day without regard to the requirements of these regulations but this exemption shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(3) *For special packed tomatoes.* Tomatoes resorted, regraded and repacked by a handler who has been designated as a "Certified Tomato Repacker" by the committee are exempt from the tomato grade classifications of paragraph (a) (1) and the size classifications of paragraph (a) (2) except that tomatoes shall be at least $2\frac{4}{32}$ inches in diameter and the container weight requirements of paragraph (a) (3) if such tomatoes comply with the inspection requirements of paragraph (a) (4).

(e) *Definitions.* "Hydroponic tomatoes" means tomatoes grown in solution without soil; "greenhouse tomatoes" means tomatoes grown indoors. A "Certified Tomato Repacker" is a repacker of tomatoes in the regulated area who has the facilities for handling, regrading, resorting, and repacking tomatoes into consumer sized packages and has been certified as such by the committee. "U.S. tomato standards" means the revised United States Standards for Grades of Fresh Tomatoes (§§ 51.1855–51.1877), effective December 1, 1973, as amended, or variations thereof specified in this section. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part, and the U.S. tomato standards.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

Dated: October 18, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–30972 Filed 10–20–76;8:45 am]

[7 CFR Part 971]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the South Texas Lettuce Committee to spend not more than $20,500 for its operations during the fiscal period ending July 31, 1977, and to collect one and one-half cents ($0.015) per carton of lettuce handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 144 and Order No. 971 regulating the handling of letuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in duplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 4, 1976. All written comments will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 971.216 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1977, by the South Texas Lettuce Committee, for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $20,500.

(b) The rate of assessment to be paid by each handler in accordance with this part, shall be one and one-half cents ($0.015) per carton of assessable lettuce handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 971.43(a)(2).

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: October 14, 1976.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-30889 Filed 10-20-76;8:45 am]

[7 CFR Part 980]

TOMATOES

Proposed Amendment to Grade, Size and Inspection Requirements

Notice is hereby given of a proposed amendment to grade, size and inspection requirements to be made applicable to the importation of fresh tomatoes into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would apply the same requirements to be made effective under the Federal marketing order for tomatoes grown in Florida.

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same with the Hearing Clerk, U.S. Department of Agriculture, Room 112-A, Washington, D.C. 20250, not later than November 5, 1976. Written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment is as follows:

§ 980.211 Tomato import regulation.

Except as otherwise provided, during the period November 18, 1976 through June 18, 1977, no person may import fresh tomatoes, except pear shaped, cherry, hydroponic and greenhouse tomatoes as defined herein, unless they are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements.* (1) At least U.S. No. 3 grade and at least 2$\frac{4}{32}$ inches in diameter;

(2) Not more than 10 percent, by count, in any lot may be smaller than the specified minimum diameter.

(b) *Minimum quantity exemption.* Any importation which in the aggregate does not exceed 60 pounds may be imported without regard to the provisions of this section.

(c) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) *Designation of Governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of tomatoes that are imported into the United States under the provisions of Section 8e of the act.

(e) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the tomatoes meet the United States import requirements for tomatoes under Section 8e (7 U.S.C. 608e-1, issued by a designated governmental inspection service and applicable to a specified lot is required on all imports of fresh tomatoes.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice (days)
All Texas points	L. M. Denbo, P.O. Box 107, San Juan, Tex. 78589 (phone 512-787-4091 or 6881).	1
All Arizona points	B.O. Morgan, P.O. Box 1614, Nogales, Ariz. 85621 (phone 602-287-2902).	1
All California points	D. P. Thompson, 784 South Central Ave., Route 266, Los Angeles, Calif. 90021 (phone 213-688-2489).	3
All Hawaii points	Stevenson Ching, P.O. Box 22159 Pawaa Substation, 1428 South King St., Honolulu, Hawaii 96822 (phone 808-941-3071).	1
All Puerto Rico points	John L. Coulon, P.O. Box 9112, Santurce, Puerto Rico 00908 (phone 809-783-2230 or 4116).	2
New York City	Carmine J. Cavallo, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (phone 212-991-7669 or 7668).	1
New Orleans	Leonard E. Mixon, 5027 Federal Office Building, 701 Loyola Ave., New Orleans, La. 70113 (phone 504-589-6741 or 6742).	1
Miami	Bennie C. Tiner, 1350 Northwest 12th Ave., Room 530, Miami, Fla. 33136, (phone 305-324-6116 or 6117).	1
All other Florida points	C. B. Brantley, P.O. Box 1232, Winter Haven, Fla. 33880 (phone 813-294-3511, extension 33).	1
All other points	M. A. Castille, Fruit and Vegetable Division, AMS, Washington, D.C. 20250, (phone 202-447-5870).	3

(4) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e-1.

(f) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making it eligible for importation.

(g) Definitions. For the purpose of this section, "Importation" means release from custody of the United States Bureau of Customs. "Cherry tomatoes" means cerasiform types commonly referred to as "cherry tomatoes." "Pear shaped tomatoes" means elongated types, commonly referred to as pear shaped or paste tomatoes and include San Marzano, Red Top and Roma Varieties. "Hydroponic tomatoes" means tomatoes grown in solution without soil. "Greenhouse tomatoes" means tomatoes grown indoors. The terms relating to grade and size, as used herein, shall have the same meaning as when used in the U.S. Standards for Grades of Fresh Tomatoes.

(§§ 51.1855-51.1877 of this title, 38 FR 23931.)

Dated: October 18, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-30973 Filed 10-20-76;8:45 am]

[7 CFR Part 1001]

[Docket No. AO-14-A56]

MILK IN THE NEW ENGLAND MARKETING AREA

Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Sheraton-Tara Hotel, Massachusetts Turnpike at Route 9 (Exit 12 West), Framingham, Mass., beginning at 1:30 p.m. local time, November 15, 1976, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New England marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Cabot Farmer's Cooperative Creamery, Inc., Northern Farms Cooperative, Inc., Richmond Cooperative Association, Inc., and St. Albans Cooperative Creamery, Inc.

Proposal No. 1: Amend section 1001.5b:

1001.5b Supply plant.

* * * * *

(b) It is a plant from which in the months of August and December at least 15 percent, and in any month of September through November at least 25 percent, of its total receipts of milk from dairy farmers' farms is shipped as fluid milk products, other than as diverted milk, to pool distributing plants.

(c) For any month of August through December, it is one of a group of plants that meets the conditions specified in this paragraph.

* * * * *

(3) To qualify as a pool supply plant under this paragraph in December of any year, the plant, considered individually, shall have met the shipping requirements specified in paragraph (b) of this section in one of the months of August through November of that year.

* * * * *

(d) For any month of January through July, it is a plant from which at least 15 percent of its total receipts of milk from dairy farmers' farms is shipped as fluid milk products, other than as diverted milk, to pool distributing plants or it is a plant that meets the requirements for automatic pool plant status specified in this paragraph. The automatic pool plant status of a plant shall be revoked for any month for which the market administrator has received the handler's written request for revocation on or before the 16th day of that month. In that event, the plant shall not have automatic pool plant status in any subsequent month of the current January through July period.

(1) The plant was a pool supply plant under this order in each of the preceding months of August through December; or

(2) The plant was a pool supply plant under this order in at least two of the preceding months of August through December and would have been such a plant in all other months in that period had it not been a pool plant under the New York-New Jersey Federal order.

* * * * *

Proposal No. 2: Amend section 1001.44 to add new paragraph (e):

§ 1001.44 Initial assignments to Class I milk.

* * * * *

(e) At pool distributing plants, in each of the months August through December, assign to Class I milk the receipts of bulk fluid milk products received from pool supply plants qualified pursuant to section 1001.5b.

Proposal 3: Amend section 1001.47 to read:

§ 1001.47 Additional assignments to Class I and Class II milk.

(a) At pool distributing plants that have received bulk fluid milk products from pool plants located outside the nearby plant zone, assign to Class II milk a quantity of the skim milk and butterfat in receipts from producers and cooperative associations in their capacity as handlers under section 1001.9(d) as follows:

(1) During January through March, assign to the Class II skim pounds remaining, a quantity equal to 6 percent of the plant's Class I route disposition in skimmed milk pounds; and to the butterfat pounds remaining in Class II, a quantity of butterfat equal to 10 percent of the plant's Class I route disposition in butterfat.

(2) During April through July assign to the Class II skin pounds remaining, a quantity equal to 10 percent of the plant's Class I route disposition in skimmed milk pounds; and to the butterfat pounds remaining in Class II, a quantity of butterfat equal to 14 percent of the plant's Class I route disposition in butterfat.

(b) Subtract from remaining pounds Class I milk, the pounds of skim milk and butterfat in the plant's closing inventory which is in excess of the skim milk and butterfat in the plant's beginning inventory.

(c) Assign to Class I milk the receipts of milk from producers and cooperative associations in their capacity as handlers under § 1001.9(d) that have not been previously assigned.

(d) Add back to the pounds Class I remaining, the pounds of skim milk and butterfat subtracted from Class I pursuant to paragraph (b).

(e) Assign to Class I milk the receipts of bulk fluid milk products from other pool plants not previously assigned.

* * * * *

Proposed by Cabot Farmer's Cooperative Creamery, Inc., Richmond Cooperative Association, Inc., and St. Albans Cooperative Creamery, Inc.

Proposal No. 4

Amend § 1001.4 to read:

§ 1001.4 Plant.

"Plant" means the land and buildings, together with their surroundings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment, for the receiving, processing, or packaging of milk or milk products. The term "plant" shall not include:

(a) Distribution depots (separate premises used for the transfer of packaged fluid milk products in transit for route distribution and moved there from processing and packaging plants) or

(b) Bulk reload points (separate premises used only for the purpose of transferring bulk milk from one tank truck to another tank truck while en route from dairy farmers' farms to a plant).

Proposed by Cabot Farmer's Cooperative Creamery, Inc., Northern Farms Cooperative, Inc., Richmond Cooperative Association, Inc., and St. Albans Cooperative Creamery, Inc.

Proposal No. 5

Update the "Louisville" seasonal incentive plan provisions of the order by changing the static rates of deduction presently set at $0.20 (March), $0.30 (April), $0.40 (May and June) to an amount not to exceed a percentage of the Zone 21 blend price (rounded to the nearest cent). The proposed percentage rates are 4 percent (March), 6 percent (April), and 8 percent (May and June).

Proposed by H. P. Hood, Inc.

Proposal No. 6

Delete § 1001.5b (c)(1) and (3) and substitute:

§ 1001.5b Supply plant.

* * * * *

(c) * * *

(1) The handler's written request for continuation of pool plant status which the plant held under his operation in three or more of the months of August through December of the preceding year is received by the market administrator on or before the 16th of the month.

* * * * *

(3) In the event of a handler's failure to meet fully the requirements of paragraph (c)(2) of this section, termination of pool supply plant status shall be limited to the least number of his plants which will result in his having met the requirements of that subparagraph for his remaining supply plants. If such termination becomes necessary, the handler shall be permitted to designate which of his plants shall continue to have pool plant status for the month.

* * * * *

Proposed by Turner's Dairy, Inc.

Proposal No. 7

Class II milk should be priced at Zone 21, and a zone differential added at the same rate as Class I, making the City Plant Class II price 40 cents per hundredweight higher than Zone 21.

Proposed by Yankee Milk, Inc.

Proposal No. 8

For the present seasonal incentive plan, substitute a base-excess plan as follows:

1. Base milk.

"Base milk" means milk received from a producer by a pool handler which is not in excess of such producer's daily base computed pursuant to Section 3 multiplied by the number of days in such month.

2. Excess milk.

"Excess milk" means milk received from a producer by a pool handler which is in excess of base milk received from such producer during the month.

3. Computation of base for each producer.

For each month of the year, the market administrator shall compute, subject to the rules set forth in Section 4, a base for each producer described in paragraphs (a) through (e) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 91 (by 92 in the case of a producer on every-other-day delivery schedule who delivered September 1) less the number of days, if any, during the applicable base-forming period of September through November for which it is shown that the day's production of milk of such producer was not received by a pool handler as described in the applicable paragraphs (a) through (e) of this section under which such producer's base is computed: *Provided*, That in no event shall the number of days used to compute a producer's base pursuant to this section be less than 80.

(a) For any producer, except as provided in paragraphs (b) through (e) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of September through November;

(b) Except as provided in paragraph (c) of this section, for any producer whose milk was received at a plant which first became a pool supply plant after the beginning of the preceding September-November period, which plant was a pool supply plant for at least 60 days during such period, the quantity of milk receipts to be used in the computation of such producer's base shall be the total pounds of milk received from such dairy farmer at such plant during the entire September-November period.

(c) For any producer who on September 1 was an Order 2 (New York-New Jersey) producer, or a producer whose farm is in one of the New England states and whose milk was delivered to a pool plant, and who held such status in all or part of the month of September, and who otherwise was a producer only under this part for all of the remaining September through November period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer by pool handlers under both orders, or both the pool and non-pool plants, throughout the September-November period.

(d) For any producer whose milk was received during the preceding September through November period at a plant which became a pool distributing plant during or after such September through November period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such September-November period by pool handlers as producer milk and at such plant as a nonpool plant.

(e) Any producer who made no qualifying milk deliveries during the base-forming period of September through November, or who relinquishes his established base pursuant to Section 5 shall have a base reflecting the percentage of his average daily deliveries of producer milk each month as set forth in the following table. A new base is earned on the basis of his milk deliveries during the subsequent September through November period.

Month:	*Percentage of production* ***as base***
January and February	60
March through June	50
July	60
August through November	70
December	60

4. Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to paragraphs (a) through (d) of Section 3 (except as provided in paragraph (e) of said section) shall be effective for the subsequent months of January through December inclusive.

(b) Base transfers shall be accomplished only through written application to the market administrator on forms prescribed by the market administrator and shall be signed by the baseholder and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, except as provided in paragraph (d) of this section, the entire base only is transferable and only upon receipt of such application signed by all joint holders.

(c) If a producer operates more than one farm and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to section 9(d), he shall establish a separate base with respect to producer milk delivered from each such farm: *Provided*, That if such farms and herds are combined into one dairy farm, the separate bases may be combined into one base subject to approval of the market administrator.

(d) Only one base shall be allocated with respect to milk produced by one or more persons where a dairy farm is jointly owned or operated: *Provided*, That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total interest of the partners in the base is filed with the market administrator before the end of the base-forming period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right or to transfer in conformity with the provisions of paragraph (b) of this section (including transfer to a partnership of which he is a member). Such termination of partnership shall become effective as of the end of any month during which an application for such division of base signed by each member of such partnership is received by the market administrator.

(e) Two or more producers with bases may combine such bases upon the formation of a bona fide partnership operating from one farm. Such a combination shall be considered a joint base under paragraph (d) of this section.

(f) Subject to approval by the market administrator, the name of the baseholder may be changed to that of another member of the baseholder's immediate family but only under circumstances where the base would be applicable to milk production from the same herd and on the same farm.

5. Relinquishing a base.

A producer holding an established base can, upon notification to the market administrator, relinquish his established base and be paid pursuant to the provisions of section 3(e) beginning with the first day of the month in which such notification is received by the market administrator and extending until January 1, next.

6. Announcement of base.

On ore before December 26 of each year, the market administrator shall notify each producer, the handler receiving his milk, and the cooperative association of which he is a member of the daily base established by such producer.

7. Additionally, to provide for incorporation of foregoing base plan in sections on class prices, uniform prices, and payments for milk, with the 21st zone price for Class II milk less any advertising deduction being the excess price, and the base price being calculated from the residual pool value.

Proposal No. 9: Provide for an advertising, promotion, and nutritional education program as follows:

Section 110. Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to section 121(b)(1), on approval by the Secretary, for the purpose of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

Section 111. Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided under Section 113(b) is authorized one Agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to 113(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency representative for each full 5 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

Section 112. Term of Office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

Section 113. Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating membership and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of Section 111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producers status or is otherwise unable to complete his term or office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

Section 115. Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to section 110;

(b) Make rules and regulations to effectuate the purposes of Pub. L. 91-670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in sections 110 and 117.

Section 116. Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committee as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to sections 110 and 117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amount to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

Section 117. Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

Section 118. Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to 121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

Section 119. Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

Section 120. Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A producer, located in a State which has a State advertising and promotion program in which producers are required to participate unless they are participating in an advertising and promotion program under a Federal order, may (in lieu of a refund request) authorize the market administrator to pay to the State the amount of his required participation not in excess of the deduction rate.

Section 121. Duties of the market administrator.

Except as specified in Section 116, the market administrator, in addition to other duties specified by this part, shall perform the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to Section 113(c);

(b) Set aside the amounts subtracted for the program into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (3) of this paragraph; payments, if any, to producers or States pursuant to subparagraph (2) of this paragraph; and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed the deduction rate per hundredweight on the volume of milk pooled by any such producer for which deductions were made.

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to Section 120 or make payment to any State on behalf of any producer for which specific authorization has been received pursuant to Section 120(d).

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (Sections 110 through 122).

(d) Audit the Agency's records of receipts and disbursements.

Section 122. Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund. Additionally, amend pricing and payment Sections to provide for an advertising deduction of 8/10 of 1 percent of the blend price in the 201-210 mile zone in the preceding month, rounded to the nearest full cent per hundredweight.

Proposal No. 10: Eliminate the current location differentials on the Class II price and substitute a plus 2-cent differential at plants in the marketing area.

Proposal No. 11: Increase the maximum allowable marketing service deduction to 5 cents from the present 3 cents.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 12: In § 1001.43 insert a new paragraph (d) as follows:

§ 1001.43 Assignment of receipts to classes in general.

* * * * *

(d) Prior to the assignment of receipts to classes under § 1001.44 through 1001.47 there shall be assigned to Class I and Class II milk the quantities of Class I and Class II skim milk and butterfat contained in milk which is diverted in acordance with § 1001.15 and classified in accordance with § 1001.42.

Proposal No. 12: Make changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, O. Zucchi, 230 Congress Street, Boston, Massachusetts 02110 or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on: October 15, 1976.

IRVING W. THOMAS,
Acting Administrator.

[FR Doc.76-30975 Filed 10-20-76;8:45 am]

[7 CFR Part 1068]

MILK IN THE UPPER MIDWEST MARKETING AREA

Proposed Suspension of a Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et. seq.), the suspension of a certain provision of the order regulating the handling of milk in the Upper Midwest marketing area is being considered.

The provision proposed to be suspended is paragraph (a)(4) of § 1068.73. Paragraph (a) of § 1068.73 requires handlers to make a partial payment to cooperative associations and non-member producers on or before the 25th day of the month for milk delivered during the first 15 days of the month. Suspension of paragraph (a)(4) would remove this requirement only with respect to producers for whom a cooperative association is not collecting payment; the requirement would remain in effect for milk purchased from a cooperative association.

Several handlers, most of whom recently have become regulated under the Upper Midwest order, request the suspension. These handlers state that previously they paid their producers a partial payment on about the 5th day of the month and a final payment on the 20th day of the month for milk received in the previous month. The Upper Midwest order, however, requires payment on the 18th and 25th days of the month. The handlers state that these payment dates, which are only 7 days apart, are confusing to their producers, who are accustomed to being paid 15 days apart. Moreover, they state the earlier partial payment date has caused them considerable problems and has increased their costs.

The handlers state that, if the suspension is granted, they would continue to make partial payments to producers on or about the 3rd of the month; this is 15 days prior to the date on which final payment is due. The rate of payment would continue to be the previous month's uniform price.

The handlers also propose that the payment dates be permanently amended at the next hearing to consider amendments to the order. They request suspension of § 1068.73(a)(4) until the order can be amended.

All persons who desire to submit written data, views, or arguments in connection with the proposal suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, on or before October 28, 1976. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

The United States Department of Agriculture has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed at Washington, D.C. on: October 15, 1976.

IRVING W. THOMAS,
Acting Administrator.

[FR Doc.76-30974 Filed 10-20-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76-AL-5]

POSITIVE CONTROL AREA

Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would expand the Alaska Positive Control Area by lowering the floor from flight level 240 to 18,000 feet MSL.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before December 6, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-320, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendment would amend the Alaska Positive Control Area by establishing the floor at 18,000 feet. However, the airspace less than 1,500 feet above the surface of the earth would be excluded and the FAA would continue to authorize deviations from the transponder requirement on a continuing basis for aircraft operations outside of air traffic control radar coverage within the Alaska PCA. Expansion of the Alaska PCA would enhance safety by insuring that positive separation is provided by the ATC system.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on October 13, 1976.

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-30854 Filed 10-20-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SO-96]

DESIGNATION OF TRANSITION AREA

Siler City, N.C.

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Siler City, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before December 6, 1976 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Siler City transition area would be designated as:

> That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Siler City Municipal Airport (Lat. 35°42'10'' N, Long. 79°30'22'' W).

The proposed designation is required to provide controlled airspace protection for IFR operations at Siler City Municipal Airport. A prescribed instrument approach procedure, utilizing the Liberty VORTAC, is proposed in conjunction with the designation of this transition area. If the proposed designation is acceptable, the airport operating authorization will be changed from VFR to IFR.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on October 8, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-30857 Filed 10-20-76;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 76-WE-11]

RNAV ROUTES

Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign J964R, J967R, J937R, J938R, J965R and J966R western termination points to coincide with the eastern termination points of Pacific Composite routes R63 and R65.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before November 22, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention of International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The following RNAV Routes would be realigned in part as follows:

Waypoint	Location	Reference facility	RHO/THETA
1. In J964R (Coaldale, Nev., to Fruit):			
Bucko	37°40.2′N. 119°59.9′W	Fresno, Calif	331.7°/47.8.
Merle	37°20.54′N. 122°50.36′W	Oakland, Calif	215.8°/37.3.
Fruit	36°05.0′N. 124°50.0′W	do	215.7°/159.6.
2. In J967R (Fruit to Mina, Nev.):			
Fruit	36°05.0′N. 124°50.0′W	do	215.7°/159.6.
Merle	37°20.54′N. 122°50.36′W	do	215.8°/37.3.
Stani	37°46.5′N. 120°51.8′W	do	142.7°/19.1.
3. In J938R (Chicago, Ill., to Leafs) J965R (Coaldale, Nev., to Leafs) J966R (Leafs to Mina, Nev.):			
Palis	37°36.0′N. 123°30.0′W	Ukiah, Calif	169.1°/87.8.
Leafs	37°50.0′N. 125°50.0′W	do	221.6°/141.1.
4. In J937R (Leafs to Chicago, Ill.):			
Leafs	37°50.0′N. 125°50.0′W	do	221.6°/141.1.
Sawed	38°37.5′N. 123°04.5′W	do	142.0°/27.4.

These actions are required in order to accurately define these routes and Waypoints for transpacific flights using these routes segments in conjunction with the New Pacific Composite routes.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on October 13, 1976.

B. Keith Potts,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-30855 Filed 10-20-76;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 1-18; Notice 12]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Controls and Displays

This notice proposes new requirements for the location, identification, and illumination of controls and displays in passenger cars, multipurpose passenger vehicles, trucks, and buses. The new rule would be designated as 49 CFR 571.101-79 (Standard No. 101-79, Controls and Displays), and would be effective September 1, 1979. The existing rule on this subject, 49 CFR 571.101 (Standard No. 101, Control Location, Identification and Illumination) would be amended to permit, at the vehicle manufacturer's option, compliance with that standard or with the new requirements before September 1, 1979.

This notice constitutes a revision of the proposal on the same subject that was published on September 27, 1973, as Notice 10 (38 FR 26940). The revision is based on new information available to the National Highway Traffic Safety Administration and comments received in response to the earlier proposal.

The present Standard No. 101 requires certain controls to be identified by means of specified words, with identification by symbols as an optional supplement. While Notice 10 proposed to extend that scheme to the identification of displays, this notice proposes that most controls and displays be required to be identified with specified symbols. The continued use of words would be permitted as an option, although the particular choice of words would be limited, as at present, to ensure uniformity. For those enumerated controls and displays concerning which no agreed-upon symbols have yet been established, the standard would specify word identification; new symbols would be added later as they became available.

An identification scheme in which symbols are the primary source of information has several advantages over the existing scheme. For example, symbols can convey information more quickly and with less chance of human error than can words. While symbols are thus especially important to the driver who uses a foreign language, improved transmission of information will be of use to the English-speaking driver as well. Another advantage is that manufacturers who sell vehicles both inside and outside the United States can realize significant cost savings by using internationally standardized symbols. In light of the accumulated experience with symbols, which manufacturers have already provided to supplement word identification, the NHTSA has tentatively determined that the transition to required symbols can be accomplished with minimal difficulty. Accordingly, Standard No. 101-79 would specify symbols that have been adopted by the International Standards Organization. These include the symbols added to the present Standard No. 101 by Notice 11 (40 FR 31770, July 29, 1975) and new symbols for the following controls: turn signals, windshield washing and wiping combined, heating and/or air conditioning fan, windshield defrosting and defogging system, and rear window defrosting and defogging system. Symbols for eight displays and words for several others would also be included.

The control identification scheme is set out in more detail than in Notice 10, to further clarify the application of the "perceptually upright" requirement to rotating controls. Identification of such control would generally be required to appear to the driver perceptually upright with the control in the off position. A headlamp control that also, by means of rotation, adjusts internal illumination, however, does not have a natural "off" position. Manufacturers would therefore be permitted to orient the symbol identifying such a control, or any other rotating control lacking an off position, in any direction.

The relation between color coding and word identifiers for automatic vehicle speed system controls and heating and air conditioning system controls would also be clarified. Color-coding could be a complete substitute for words in certain situations. Color codes for temperature extremes, however, could not vary from the red-for-hot, blue-for-cold scheme.

The identification and illumination requirements for indicator lights differ from those other displays such as ammeters and speedometers. For example, an indicator light could be identified either by a lens in the shape of the required symbol or by the stamping, in a contrasting color, of the symbol on a lens of any shape. Also, indicator lights, unlike other displays, need not be illuminated (and may, in fact, even be distracting) when they are not activated. For these reasons, two new definitions would be added. "Tell-tale" would mean "a display that indicates, by means of a light-emitting signal, the actuation of a device, a correct or defective functioning or condition, or a failure to function." This definition would include those displays traditionally thought of as indicator lights. "Gauge" would mean a display, listed in the standard, that is not a tell-tale.

Notice 10 proposed that variability of illumination be required for all illuminated controls and displays, rather than merely for those for which illumination was explicitly speciefid. This notice proposes a similar requirement, with two modifications. It would be restricted to include only illumination that is dependent on activation of the headlights, yet expanded to include all such illumination in the passenger compartment, regardless of whether it shines upon a control display. Such a requirement would satisfy the need to enable drivers to reduce glare without requiring undue circuitry changes. On a related matter, where the earlier proposal included a color scheme for indicator lights based on the type of condition indicated, (e.g., red for a hazard requiring immediate corrective action, green for a condition unrelated to any need for corrective action), this notice specifies a particular color for the lens of each tell-tale that is provided.

In accordance with recently enunciated Department of Transportation policy encouraging adequate anlysis of the costs and other consequences of regulatory actions (41 FR 16201, April 16, 1976), the NHTSA herewith summarizes its evaluation of the economic and other consequences of this proposal on the public and private sectors. In this case, the proposed rule would provide both the opportunity for vehicle manufacturers to reduce production costs through international uniformity and the benefit of quicker driver identification of controls and displays.

In consideration of the foregoing, it is proposed that Part 571 of Title 49, Code of Federal Regulations, be amended as follows:

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: December 6, 1976.

Proposed effective dates: For the amendment to Standard No. 101: date of publication of final rule For Standard No. 101-79: September 1, 1979.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on October 14, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

1. S4. of § 571.101 (Standard No. 101) would be amended to read:

§ 571.101 Standard No. 101; Control location, identification and illumination.

* * * * *

S4. *Requirements.* Each passenger car, multipurpose passenger vehicle, truck, and bus manufactured before September 1, 1979, with any control listed in S4.1 or in Column 1 of Table 1, shall meet either the requirements of this standard or the requirements of § 571.101-79 of this part (Standard No. 101-79) for the location, identification, and illumination of such control.

* * * * *

A new § 571.101-79, Controls and Displays, (Standard No. 101-79) would be added, to read as set forth below:

§ 571.101-79 Standard No. 101-79; Controls and displays.

S1. *Scope.* This standard specifies requirements for the location, identification, and illumination of motor vehicle controls and displays.

S2. *Purpose.* The purpose of this standard is to ensure the accessibility of motor vehicle controls and displays and to facilitate their selection under daylight and nighttime conditions, in order to reduce the safety hazards caused by the diversion of the driver's attention from the driving task, and by mistakes in selecting controls.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S4. *Definitions.* "Tell-tale" means a display that indicates, by means of a light-emitting signal, the actuation of a device, a correct or defective functioning or condition, or a failure to function.

"Gauge" means a display that is listed in S5.1 or in Table 2 and is not a tell-tale.

S5. *Requirements.* Each passenger car, multipurpose passenger vehicle, truck, and bus manufactured with any control listed in S5.1 or in Column 1 of Table 1, or with any display listed in S5.1 or in Column 1 of Table 2, shall meet the requirements of this standard for the location, identification, and illumination of such control or display.

S5.1 *Location of controls and displays.* Each of the following controls that is furnished shall be operable by the driver, and each of the following displays that is furnished shall be visible to the driver, under the conditions of S6. A tell-tale is considered visible if it is visible when activated.

HAND-OPERATED CONTROLS

(a) Steering wheel.
(b) Horn.
(c) Ignition.
(d) Headlamp.
(e) Taillamp.
(f) Turn signal.
(g) Illumination intensity.
(h) Windshield wiper.
(i) Windshield washer.
(j) Transmission shift lever, except transfer case.
(k) Windshield defrosting and defogging system.
(l) Rear window defrosting and defogging system.
(m) Manual choke.
(n) Driver's sun visor.
(o) Automatic Vehicle Speed System.
(p) Highbeam.
(q) Hazard warning signal.
(r) Clearance lamps.
(s) Hand throttle.
(t) Identification lamps.

FOOT-OPERATED CONTROLS

(a) Service brake.
(b) Accelerator.
(c) Clutch.
(d) Highbeam.
(e) Windshield washer.
(f) Windshield wiper.

DISPLAYS

(a) Speedometer.
(b) Turn signal.
(c) Gear position.
(d) Brake failure warning.
(e) Fuel level.
(f) Engine coolant temperature.
(g) Oil pressure.
(h) Highbeam.
(i) Electrical charge.

S5.2 *Identification of controls and displays.*

S5.2.1 Any hand-operated control listed in Column 1 of Table 1 that has a symbol designated in Column 3 shall be identified by that symbol. Such a control may, in addition, be identified by a word or abbreviation, but only the word or abbreviation shown in Column 2 shall be used. However, if the word "none" appears in Column 3, no symbol shall be provided but the control shall be identified by the word or abbreviation shown in Column 2. The identification shall be placed on or adjacent to the control. The identification shall, under the conditions of S6., be visible to the driver and, except as provided in S5.2.1.1 and S5.2.1.2, appear to the driver perceptually upright.

S5.2.1.1 The identification of a headlamp and taillamp control that adjusts control and display illumination by means of rotation, or of any other rotating control that does not have an off position, need not appear to the driver perceptually upright.

S5.2.1.2 The identification of a rotating control other than one described by S5.2.1.1 shall appear to the driver perceptually upright when the control is in the off position.

S5.2.2 Identification shall be provided for each function of any automatic vehicle speed system control and any heating and air conditioning system control, and for the extreme positions of any such control that regulates a function over a quantitative range. If this identification is not specified in Tables 1 or 2, it shall be in word form unless color coding is used. If color coding is used to identify the extreme positions of a temperature control, the hot extreme shall be identified by the color red and the cold extreme by the color blue.

Example 1: A slide lever controls the temperature of the air in the vehicle heating system over a continuous range, from no heat to maximum heat. Since the control regulates a single function over a quantitative range, only the extreme positions require identification.

Example 2: A switch has three positions, for heat, defrost, and air conditioning. Since each position regulates a different function, each position must be identified.

S5.2.3 Any display located within the passenger compartment and listed in Column 1 of Table 2 that has a symbol designated in Column 4 shall be identified by that symbol. Such a display may, in addition, be identified by a word or abbreviation, but if a word or abbreviation appears in Column 3 then no other word or abbreviation shall be used. However, if the word "none" appears in Column 4, no symbol shall be provided, but the display shall be identified by the word or abbreviation shown in Column 3. The identification of a tell-tale other than the highbeam indicator shall be placed on the display unless the exposed portion of the lens is in the shape of the required identification. The identification of the highbeam indicator and of any gauge shall be placed on or adjacent to the display that it identifies. The identification of any display shall, under the conditions of S6., be visible to the driver and appear to the driver perceptually upright.

S5.3 *Illumination of controls, displays, and their identifying words and symbols.*

S5.3.1 Except for foot-operated controls or hand-operated controls mounted upon the floor, floor console, or steering column, or in the windshield header area, the identification required by S5.2.1 or S5.2.2 of any control listed in Column 1 of Table 1 and accompanied by the word "yes" in the corresponding space in Column 4 shall be illuminated whenever the headlights are activated. However, control identification for a heating and air-conditioning system need not be illuminated if the system does not direct air directly upon the windshield. If a gauge is listed in Column 1 of Table 2 and accompanied by the word "yes" in Column 4, then the gauge and its identification required by S5.2.3 shall be illuminated whenever the headlamps are activated. Controls, gauges, and their identifications need not be illuminated when the headlamps are being flashed. A tell-tale shall not emit light except when identifying the malfunction or vehicle condition for whose indication it is designed or during a bulb check upon vehicle starting.

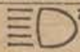
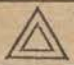
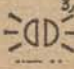
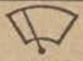
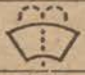
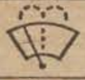
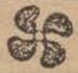
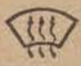
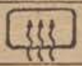
S5.3.2 The lens of each tell-tale shall be of the color shown in Column 2 of Table 2. The identfiication of each tell-tale shall be in a color that contrasts with the lens, unless the exposed portion of the lens is in the shape of the required identification.

S5.3.3 Light intensities for controls, gauges, and their identification shall be continuously variable from (a) a position at which either there is no light emitted or the light is barely discernible to a driver who has adapted to dark ambient roadway conditions to (b) a position providing illumination sufficient for the driver to identify the control or display readily under all daytime and nighttime conditions. The intensity of any illumination that is provided in the passenger compartment when and only when the headlights are activated shall also be variable in a manner that complies with this paragraph. The light intensity of each tell-tale shall not be variable and shall be such that, when activated, the tell-tale and its identification are visible to the driver under all daytime and nighttime conditions.

S6. *Conditions.* The driver is restrained by the crash protection equipment installed in accordance with the requirements of § 571.208 of this part (Standard No. 208), adjusted in accordance with the manufacturer's instructions.

TABLE 1

IDENTIFICATION AND ILLUMINATION OF CONTROLS

COLUMN 1	COLUMN 2	COL. 3	COL. 4
HAND OPERATED CONTROLS	IDENTIFYING WORDS OR ABBREVIATION	IDENTIFYING SYMBOL	ILLUMINATION
HEADLAMPS AND TAILLAMPS	LIGHTS	 [2,4]	—
HAZARD WARNING SIGNAL	HAZARD	 [4]	YES
CLEARANCE LAMPS	CLEARANCE LAMPS OR CL LPS	 [3,4]	YES
WINDSHIELD WIPING SYSTEM	WIPER OR WIPE		YES
WINDSHIELD WASHING SYSTEM	WASHER OR WASH		YES
WINDSHIELD WASHING AND WIPING COMBINED	WASH-WIPE		YES
HEATING AND/OR AIR CONDITIONING FAN	FAN		YES
WINDSHIELD DEFROSTING AND DEFOGGING SYSTEM	DEFROST OR DEF		YES
REAR WINDOW DEFROSTING AND DEFOGGING SYSTEM	REAR DEFROST OR REAR DEF		YES
ENGINE START	ENGINE START [1]	NONE	—
ENGINE STOP	ENGINE STOP [1]	NONE	YES
MANUAL CHOKE	CHOKE	NONE	—
HAND THROTTLE	THROTTLE	NONE	—
AUTOMATIC VEHICLE SPEED	SPEED CONTROL	NONE	YES
IDENTIFICATION LAMPS	IDENTIFICATION LAMPS OR ID LPS	NONE	YES
HEATING AND AIR CONDITIONING SYSTEM	(MFG. OPTION)	NONE	YES

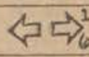
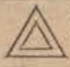
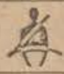
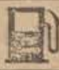
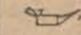
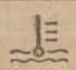
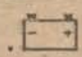
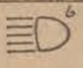
[1] Use when engine control is separate from the key locking system.

[2] Use also when clearance, ideutification parking and/or side marker lamps are controlled with the headlamp switch.

[3] Use also when clearance lamps, identification lamps and/or side marker lamps are controlled with one switch other than the headlamp switch.

[4] Framed areas may be filled.

IDENTIFICATION AND ILLUMINATION OF INTERNAL DISPLAYS

COLUMN 1	COL. 2	COLUMN 3	COL. 4	COL. 5
DISPLAY	TELLTALE COLOR	IDENTIFYING WORDS OR ABBREVIATION	IDENTIFYING SYMBOL	ILLUMINATED
TURN SIGNAL TELL-TALE	GREEN	—	 [1] [6]	—
HAZARD WARNING TELL-TALE	GREEN	—	 [2] [6]	—
SEAT BELT TELL-TALE	RED	—		—
FUEL LEVEL TELL-TALE	YELLOW	FUEL		—
GAUGE	—	FUEL		YES
OIL PRESSURE TELL-TALE	RED	OIL		—
GAUGE	—	OIL		YES
COOLANT TEMPERATURE TELL-TALE	RED	TEMP		—
GAUGE	—	TEMP		YES
ELECTRICAL CHARGE TELL-TALE	RED	AMP		—
GAUGE	—	AMP		YES
SPEEDOMETER	—	MPH [3]	NONE	YES
ODOMETER	—	— [4]	NONE	
AUTOMATIC GEAR POSITION	—	P, R, N, D	NONE	YES
HIGH BEAM TELL TALE	BLUE	—	 [6]	—
BRAKE AIR PRESSURE TELL TALE	RED	BRAKE AIR	NONE	—
MALFUNCTION[5] IN ANTI-LOCK OR	YELLOW	ANTI-LOCK	NONE	—
BRAKE SYSTEM	RED	BRAKE	NONE	—

[1] The pair of arrows is a single symbol. When the indicators for left and right turn operate independently, however, the two arrows will be considered separate symbols and may be spaced accordingly.

[2] Not required when arrows of turn signal tell-tales that otherwise operate independently flash simultaneously as hazard warning tell-tale.

[3] "Km/h" is optional addition.

[4] If the odometer indicates kilometers, then "KILOMETERS" or "Km" shall appear; otherwise, no identification is required.

[5] When the tell-tale indicates anti-lock malfunction only, the color shall be yellow. When a single tell-tale is used to indicate antilock and other brake malfunctions, the color shall be red.

[6] Framed areas may be filled.

[FR Doc.76-30593 Filed 10-15-76;8:45 am]

Office of Pipeline Safety Operations

[49 CFR Parts 192, 195]

[Notice 76-2; Docket No. OPSO-38]

TRANSPORTATION OF NATURAL AND OTHER GAS AND HAZARDOUS LIQUIDS BY PIPELINE

Longitudinal Seams in Pipe Bends

The Materials Transportation Bureau (MTB) is considering amending § 192.313(a)(4) of the Federal gas pipeline safety standards and § 195.212(b)(3) of the Federal liquid pipeline safety standards to except bends made with an internal bending mandrel from the requirement that for field bends of steel pipe containing a longitudinal weld, the weld must be as near as practicable to the neutral axis of the bend.

This notice is based, in part, on a petition dated October 18, 1975, by the Alyeska Pipeline Service Company (Alyeska) (Pet. 76-11W) requesting that the pipe bending requirement of 49 CFR 195.212(e) (now § 195.212(b)(3)) be repealed and, in the interim, that Alyeska be granted a waiver from compliance with the requirement with respect to the Trans-Alaska crude oil pipeline. In its petition, Alyeska alleged that placing the longitudinal seam near the neutral axis during bending is unnecessary for the quality or integrity of a pipeline.

In response to Alyeska's request, MTB sought additional information from Alyeska to show why the bending requirement is not necessary as alleged. In addition, in connection with a separate rulemaking proceeding on pipe bending, MTB asked interested persons to submit technical information on whether it is unnecessary from a safety standpoint for a longitudinal weld to be located near the neutral axis during bending (Docket No. OPS-23, Notice 75-7, 40 FR 60076, Dec. 31, 1975).

MTB obtained the following information from submissions by Alyeska, comments to Notice 75-7, and other sources: First, a recommended safety practice that longitudinal seams be near the neutral axis was included in the industry code for liquid pipelines, American National Standards Institute (ANSI) B31.4 Code, initially in the 1966 edition and in the industry code for gas pipelines, ANSI B31.8 Code, initially in the 1955 edition. This recommended practice served as a basis for §§ 195.212(b)(3) and 192.313(a)(4). The practice was developed prior to general usage of the internal bending mandrel and was intended to prevent damage to pipe at the weld seam by the die or stiffback during bending. The practice was not recommended, however, in the 1975 edition of the B31.4 Code primarily because use of the internal bending mandrel to provide support for pipe during bending minimizes the possibility of damage to a weld seam. The fact that protruding welds on spiral welded pipe had been regularly placed against the die or stiffback during bending without consequent damage to the pipe also led to the 1975 deletion. Although the practice continued to be recommended for gas pipelines in the 1975 edition of the B31.8 Code, the ANSI is now considering deleting the recommended practice in the next edition of the Code.

Secondly, thousands of bend sections were installed before the advent of the recommended practice or requirement that the longitudinal seam be near the neutral axis, and MTB is not aware of any gas or liquid pipeline accident caused by failure of a weld seam in a bend section.

Thirdly, the likelihood that stresses during bending will not adversely affect the integrity of a longitudinal seam weld is enhanced by the recent improvements in seam welding technology, quality control, and materials chemistry.

Fourthly, modern bending machines and internal bending mandrels commonly used by industry provide control and protection of the pipe, especially large diameter high strength thin wall pipe where damage would be more likely to occur, which were unavailable as recently as 10 years ago.

Finally, burst test data obtained on the Portland-Montreal pipeline system in 1965 for 24-inch X-52 steel pipe shows that with seams on both the inside and outside of the bend, ruptures occurred in the body of the pipe without damage to the weld seams.

After considering all available information, MTB granted Alyeska's request for waiver on August 3, 1976 (41 FR 34103, August 12, 1976).

MTB believes that under modern pipe manufacturing and bending techniques, there is little, if any, risk of gas or liquid pipe damage from placing a longitudinal seam in a position other than near the neutral axis during bending. This conclusion is further supported by test data, the current recommended industry bending practice for liquid pipelines, and the apparent absence of accidents due to failure of a weld seam in a bend section. Moreover, if damage does occur at a longitudinal seam during bending, the bend would be rejected under other performance standards for pipe bends in §§ 192.313 and 195.212.

MTB does not believe, however, that the existing requirement for placing a weld seam near the neutral axis during bending should be repealed as suggested by Alyeska. Rather, because of the apparent significance of the internal bending mandrel in minimizing the likelihood of damage to a weld seam during bending, MTB is proposing to amend the requirement to provide an exception for bends made with the mandrel.

In consideration of the foregoing, MTB proposes to amend Parts 192 and 195 of Title 49 of the Code of Federal Regulations as follows:

1. By amending § 192.313(a) (4) to read as follows:

§ 192.313 Bends and elbows.

(a) * * *

(4) On pipe containing a longitudinal weld, the longitudinal weld must be as near as practicable to the neutral axis of the bend unless the bend is made with an internal bending mandrel.

* * * * *

2. By amending § 195.212(b) (3) to read as follows:

§ 195.212 Bending of pipe.

* * * * *

(b) * * *

(3) On pipe containing a longitudinal weld, the longitudinal weld must be as near as practicable to the neutral axis of the bend unless the bend is made with an internal bending mandrel.

Interested persons are invited to participate in this rulemaking action by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in triplicate to the Director, Office of Pipeline Safety Operations, Department of Transportation, 2100 Second Street, S.W., Washington, D.C. 20590. All communications received by November 8, 1976, will be considered before final action is taken on the notice. Late filed comments will be considered so far as practicable. All comments will be available for examination by interested persons at the Office of Pipeline Safety Operations before and after the closing date for comments. The proposal contained in this notice may be changed in the light of comments received.

Inflation Impact

Based on applicable inflationary impact criteria, MTB considers this rulemaking proposal "minor" and not requiring the preparation of an Inflation Impact Statement.

(Sec. 3, Pub. L. 90-481, 82 Stat. 721, (49 U.S.C. 1672); sec. 6, Pub. L. 89-670, 80 Stat. 937, (49 U.S.C. 1655; 18 U.S.C. 831-835); with respect to offshore gathering lines, the proposed amendment to Part 192 also issued under Sec. 105, Pub. L. 93-633, 88 Stat. 2157, 49 U.S.C. 1804; and 40 FR 43901, 49 CFR 1.53)

Issued in Washington, D.C., on October 18, 1976.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.76-31032 Filed 10-20-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214]

[ERD-311, Docket No. 29444]

CHARTERING ORGANIZATIONS

Announcements of Pro Rata Charters to Include Taxes and Services in Statement of Total Cost

OCTOBER 18, 1976.

Notice is hereby given that the Civil Aeronautics Board is proposing to amend Parts 207, 208, 212, and 214 of the Economic Regulations to require that the announcements or statements of chartering organizations with respect to pro rata charters include all taxes and services in the stated "total cost of the entire trip" and precisely identify the nature of such taxes and services. The purpose of the proposal is described in the Explanatory Statement and the proposed amendments are set forth in the Proposed Rules.

The rules are proposed under authority of sections 204(a), 403(b) and 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 (as amended) and 769; 49 U.S.C. 1324, 1373 and 1381.

Interested persons may participate in the proposed rulemaking through submission of twenty (20) copies of written data, views, or arguments pertaining thereto, addressed to: Docket 29444, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before November 22, 1976, and reply comments received on or before December 7, 1976, will be considered by the Board before taking final action on the proposed rule.

Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. upon request thereof.

Those persons planning to file comments and/or responsive comments who wish to be served with the comments filed by others, and are willing to undertake service of their own comments on others, shall file with the Docket Section at the above address by November 1, 1976, a request to be placed on the service list in Docket 29444. The service list will be prepared by the Docket Section and sent to the persons named thereon. The persons on the service list are to serve each other with their comments and/or responsive comments at the time of filing, and are to include appropriate proof of service (Rule 8(e), 14 CFR 302.8(e)) with each filing.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding, may do so through submission of comments in letter form to the Docket Section at the above indicated address, without the necessity of filing additional copies thereof.

By the Civil Aeronautics Board:

JAMES R. DERSTINE,
Acting Secretary.

Explanatory Statement

The practice of stating taxes and services as an "add-on" component in tour charter advertisements was considered by the Board at the time it adopted the requirement that inclusive tour charter advertisements be limited to "the total tour price without a breakdown into component parts." The single component limitation was designed to eliminate advertising which [1] might misinform or deceive the public as to the real total cost of the advertised inclusive tour. In view of our concern with this possibility, we rejected a request for an exception permitting the separate statement of "taxes." [2] The requirement of single component advertising was later carried over to regulations with respect to other types of charter tour packages.[3]

More recently, the question of component advertising of tour packages arose with respect to Group Inclusive Tours (GIT's) and here, too—in order to ensure full and correct information to prospective participants and reduce any unfair advantage enjoyed by sellers of GIT's—we required that advertisements clearly disclose the total tour price.[4] Here, too, we declined to make an exception in response to a request that separate statement of certain taxes be permitted.[5]

Petitioner Donald L. Pevsner now requests institution of a rulemaking with respect to advertising of "affinity charter/package tours." He proposes amendment of affinity charter rules to prohibit advertisements from including a separate statement of "taxes and services or similar classifications," expressed as a percentage "add-on," and would require incorporation of this component in the total price. No answer to the petition has been filed.

The petition alleges that affinity charter tour package advertisements showing a specific price plus a percentage "add-on" constitute a deceptive practice, misleading to affinity group members. It appears that some advertisements show tour costs as a flat sum, plus a stated percentage for completely unexplained payments, while others describe the additional percentage as for unspecified "tax and service." In some cases, petitioner alleges, the tax and service may in fact be nonexistent. Petitioner's basic contention is that there is no reason why the advertising of tours based on affinity charters should not be subject to the same type of requirement for a total tour price including taxes and services that protects participants in ITC's, OTC's, and GIT's.

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[1] Part 378, § 378.12.

[2] SPR-32, October 14, 1969, pp. 11-12.

[3] §§378a.27; 378a.105(c). See SPR-85, 37, note 48.

[4] Part 399, § 399.84.

[5] PS-62, January 29, 1975, p. 4.

Previous Board Regulations with respect to affinity group charter announcements or advertisements have been primarily concerned with the pro rata aspect of the air transportation price. Thus, announcements to prospective participants which indicate the price per seat must state that the seat price is a pro rata share of total charter cost, subject to change depending on the number of participants; they must identify the number of seats available; and they must also separately state the cost of any ground arrangements, the charterer's administrative expenses, and the total cost of the entire trip.[6] However, we have not previously had occasion to focus on the question whether the statement of "total cost of the entire trip" required by this regulation must include taxes and services.

We have therefore determined to grant the petition by instituting this rulemaking.[7] The type of advertising protested by the petitioner does not appear to be fully informative. It could mislead charter participants as to the total amount of money they will be required to pay and the precise components which comprise that sum. The absence of complete information may complicate consumer comparison of the various types of available tour or the relative prices of air transportation purchased individually or as a participant in an affinity group. Accordingly, we are proposing the following rules:

PROPOSED RULES

It is proposed to amend Parts 207, 208, 212, and 214 of the Economic Regulations (14 CFR Parts 207, 208, 212, and 214) as follows:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

1. Amend § 207.44 to read as follows:

§ 207.44 Statement of charges.

The chartering organization, in any announcements or statements to prospective charter participants giving price per seat, shall state that the seat price is a pro rata share of total charter cost and is subject to increase or decrease depending on the number of participants. All announments shall separately state the cost of ground arrangements, if any, the cost of air transportation, the administrative expenses of the charterer, and the total cost of the entire trip. The statement of total cost shall include taxes and services and the announcement shall precisely identify the nature of such taxes and services. All announcements shall also identify the carrier, the number of seats available, and the type of aircraft to be used for the charter.

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

2. Amend § 208.214 to read as follows:

§ 208.214 Statement of charges.

The chartering organization, in any announcements or statements to prospective charter participants giving price per seat, shall state that the seat price is a pro rata share of total charter cost and is subject to increase or decrease depending on the number of participants. All announcements shall separately state the cost of ground arrangements, if any, the cost of air transportation, the administrative expenses of the charterer, and the total cost of the entire trip. The statement of total cost shall include taxes and services and the announcement shall precisely identify the nature of such taxes and services. All announcements shall also identify the carrier, the number of seats available, and the type of aircraft to be used for the charter.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

3. Amend § 212.44 to read as follows:

§ 212.44 Statement of charges.

The chartering organization, in any announcements or statements to prospective charter participants giving price per seat, shall state that the seat price is a pro rata share of total charter cost and is subject to increase or decrease depending on the number of participants. All announcements shall separately state the cost of ground arrangements, if any, the cost of air transportation, the administrative expenses of the charterer, and the total cost of the entire trip. The statement of total cost shall include taxes and services and the announcement shall precisely identify the nature of such taxes and services. All announcements shall also identify the carrier, the number of seats available, and the type of aircraft to be used for the charter.

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATON ONLY

4. Amend § 214.34 to read as follows:

§ 214.34 Statement of charges.

The chartering organization, in any announcements or statements to prospective charter participants giving price per seat, shall state that the seat price is a pro rata share of total charter cost and is subject to increase or decrease depending on the number of participants. All announcements shall separately state the cost of ground arrangements, if any, the cost of air transportation, the administrative expenses of the charterer, and the total cost of the entire trip. The statement of total cost shall include taxes and services and the announcement shall precisely identify the nature of such taxes and services. All announcements shall also identify the carrier, the number of seats available, and the type of aircraft to be used for the charter.

[FR Doc.76-30944 Filed 10-20-76;8:45 am]

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[6] Sections 207.44, 208.214, 212.44, 214.34.

[7] While the instant petition is directed to "tour" advertisements, affinity charters do not necessarily involve tours, but any requirement that taxes and services be included in the advertised "total cost" should, of course, apply to all statements of charges by the chartering organization.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20965]

FM BROADCAST STATIONS IN CODY, WYOMING

Proposed Table of Assignments

Adopted: October 7, 1976.

Released: October 19, 1976.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations, (Cody, Wyoming), Docket No. 20965, RM-2714.

1. PETITIONER, PROPOSAL AND COMMENTS

(a) Notice of proposed rule making is hereby given concerning amendment to the FM Table of Assignments, § 73.202 (b) of the Commission's rules and regulations, regarding the assignment of Class C Channel 250 to Cody, Wyoming.

(b) The petition was filed May 7, 1976, by Shoshone Communications Corporation. No comments in support of or in opposition to the petition have been filed.

2. DEMOGRAPHIC DATA

(a) *Location*. Cody, the seat of Park County, is located in the northwestern part of Wyoming, approximately 85 kilometers (53 miles) west of Yellowstone National Park.

(b) *Population (1970 U.S. Census)*. Cody—5,161[1]; Park County—17,752.[1]

(c) *Present Aural Services*: Cody—full-time AM station WODI, licensed to petitioner. Channel 232A is assigned to Cody but is presently unoccupied and unapplied for.

3. *Economic Data*. Petitioner states that Cody is a thriving community with 472 retail businesses and gross retail sales of $60,174,280. It also adds that Park County's healthy economy complements that of Cody with estimated gross sales of $100,000,000 in 1975 and with total bank deposits of $79,403,000 in 1974. It notes that Cody's diversified industrial output ranges from petroleum and agricultural products to construction materials. Petitioner adds that a tourist population of over one million people travel through Cody every year.

4. *Preclusion Studies*. The preclusion studies supplied by the petitioner indicate that preclusion would occur on Channels 249A, 250, 251 and 252A. It shows that five communities with populations greater than 1,000 are located in the areas of preclusion created by the proposed assignment. Only two communities, Lowell (pop. 2,371) and Forsyth

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[1] The petitioner states that according to the Cody Chamber of Commerce, the 1975 population estimate is 7,200 for Cody and 21,000 for Park County.

(pop. 1,873), Wyoming, do not have local aural service. The other three communities each has at least one AM station and one Class C FM assignment or station. The largest community is Sheridan, Wyoming, with a population of 10,856 persons, which has two AM stations and two Class C FM channels. However, petitioner claims that many alternate channels are available for use in each of these communities.

5. *Additional Considerations.* In a "Roanoke Rapids"[2] showing petitioner indicates that a Cody station operating with a 75 kW at 153 meters (500 feet) facility would provide a first FM service to 1,592 persons in an area of 3,911 square kilometers (1,510 square miles) and a second FM service to 8,810 persons in an area of 4,877 square kilometers (1,833 square miles). Petitioner also provided an "Anamosa"[3] showing which indicates that a Cody station would provide a first aural service to 1,592 persons in an area of 3,911 square kilometers (1,510 square miles), the same as for the first FM service. As to a second aural service the petitioner has not indicated the area and population that would receive such service, but it is deduced that it would be less than for the second FM service because of the nighttime service by AM Station KPOW at Powell, Wyoming. The petitioner should submit the necessary data concerning such service. Further, the above data would be altered if Channel 232A were to be deleted (see below). Proponent should submit data also reflecting such course of action.

Petitioner states that the proposed assignment, when operational, would provide a first local FM service to Cody and would enable a substantial rural area surrounding Cody in Park County to receive its first FM service. It adds that no local FM service is presently available throughout all of Park County.

It is noted that petitioner has not expressed an interest in applying for Channel 232A, presently unoccupied at Cody. It would not be in the public interest to retain that channel if it were to be determined that a Class C channel is the more appropriate assignment. The intermixture of classes of channels, which would otherwise result, would be undesirable in a community as small as Cody, and it is likely that, in such a situation, Channel 232A could lie fallow. Thus, in order to allow that channel to be utilized elsewhere its deletion is being proposed along with the proposed assignment of Channel 250 at Cody.

6. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, with regard to Cody, Wyoming, as follows:

City	Channel No.	
	Present	Proposed
Cody, Wyo.	232A	250

7. The Commission's authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

8. Interested parties may file comments on or before December 13, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-30935 Filed 10-20-76;8:45 am]

[47 CFR Part 76]

[Docket No. 19334; FCC 76-934]

CABLE TELEVISION CHANNEL

Simple and Uniform Form of Identification

Report and Order—Proceeding terminated. In the matter of Amendment of Part 76, subpart G, of the Commission's rules and regulations relative to cable television channel identification, Docket No. 19334.

Adopted: October 7, 1976.

Released: October 19, 1976.

1. This proceeding was initiated by a "Notice of proposed rulemaking" issued on October 26, 1971. FCC 71-1084, —— FCC 2d —— (1971). The Notice solicited comment on the advisability of adopting a simple and uniform form of identification for origination channels. It suggested the formula "Cable TV, Channel ——, (location)," and question whether the use of call letters ought to be specifically precluded. On July 2, 1974, (39 FR 25357) a "Further notice of proposed rulemaking" was issued, FCC 74-667, 47 FCC 2d 670 (1974), which, inter alia, sought comment on whether access as well as origination channels ought to be identified. A total of sixteen comments was received.

2. The preponderance of the parties commenting tended to favor adoption of some form of cablecast channel identification, agreeing that this would lessen the likelihood of viewers' confusing cablecast programming with broadcast programming. Considerable disagreement was exhibited, however, as to the form, frequency, and manner of identification that should be required. The broadcast interests commenting generally recommended that the identification message specify the precise type of access channel being viewed, and strongly urged that use of call letter-type identifiers be prohibited. A number of the individual cable systems commenting opposed adoption of any rules on cablecast channel identification, asserting variously that the extent of actual viewer confusion is unknown, that the source of cablecast programs should be clear to subscribers because this information is generally furnished upon connection to the systems and periodically thereafter, that any confusion that arises can be cured by the system operator, and that the absence of artificial interruptions in cablecast programming is one of its chief attractions.

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[2] 9 F.C.C. 2d 672 (1967).
[3] 40 F.C.C. 2d 250 (1974).

3. Based on a review of the comments submitted and our further consideration of the issues raised, we find that the adoption of rules either requiring or precluding any particular method of identifying cablecast channels would be premature. An examination of the comments received does not support the conclusion that a prevalent and serious problem exists which is appropriately resolved by a general rulemaking. Although several of the commenters favor adoption of a rule on the grounds that cablecast programming is susceptible of confusion with over-the-air broadcast programming, no evidence is offered to show that such confusion is real and widespread or that where this problem may have arisen it has not readily been resolved. The same may be said for arguments that the use of call letter-type identifiers for cablecast channels should be prohibited. Although logically we can perceive how this practice could be confusing to viewers and advertisers, the record again does not indicate that such confusion is rampant or irremediable short of rulemaking. Finally, neither the comments nor our own experience supplies any evidence to show that viewers sustain any difficulty where different types of access programming are not distinguished, and we therefore decline to adopt an identification requirement of this nature. In sum, because the need for rules requiring identification of cablecast channels or programming appears from the record, and from our own evaluation of the issues presented, to be insubstantial, we shall not adopt such rules at this time.

4. Our action today should not be taken to signify an indifference to the possibility that in certain individual situations either the failure to identify cablecast programming, or the use of call letter-type identifiers for this purpose, may cause viewer confusion. We have been, and remain, aware that this possibility exists, and we are concerned that it not become reality. Therefore, we are issuing today a statement of the Commission's views respecting cablecast channel and programming identification. We shall, of course, carefully observe future developments for any change in circumstances that may warrant further action.

In view of the foregoing, the Commission finds that the public interest would not be served by adoption of a rule requiring identification of cablecast channels or programming.

Accordingly, it is ordered, That the proceeding in Docket 19334, is terminated.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-30934 Filed 10-20-76;8:45 am]

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[1] Commissioner White not participating.

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM76-31]

ANNUAL REPORT OF POWER SYSTEM ENERGY ACCOUNTING, PEAK DEMANDS, AND INTERSYSTEM PURCHASES AND SALES NEW FORM NO. 158

Extension of Time for Filing Comments

OCTOBER 14, 1976.

On August 18, 1976, the Commission issued a notice of proposed rulemaking in Docket No. RM76-31 (published September 2, 1976, 41 FR 37232), calling for comments in writing by October 18, 1976. Several motions for extensions of time within which to file comments in the above-designated proceeding have been filed.

Upon consideration, notice is hereby given that the time for filing comments on the above-designated rulemaking proceeding is extended to and including November 17, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30894 Filed 10-20-76;8:45 am]

[18 CFR Part 141]

[Docket No. RM76-32]

REPORT OF GENERATING PLANT, TECHNICAL, ENVIRONMENTAL AND OPERATING DATA NEW FORM NO. 156

Extension of Time for Filing Comments

OCTOBER 14, 1976.

On August 23, 1976, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM76-32 (published September 1, 1976, 41 FR 36926), calling for comments in writing by October 22, 1976. Several motions for extensions of time within which to file comments in the above-designated rulemaking proceeding have been filed.

Upon consideration, notice is hereby given that the time for filing comments on the above-designated rulemaking proceeding is extended to and including November 22, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30895 Filed 10-20-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Standards for Combustible Gas Control Systems

The Nuclear Regulatory Commission has under consideration amendments to its regulations in 10 CFR Part 50. The purpose of the rulemaking proceeding is two-fold: First, to clarify the Commission's original intent in regard to Appendix A, General Design Criterion 50, "Containment design basis," and second to provide a new § 50.44 to specify standards for combustible gas control systems.

The present wording of Criterion 50 states that the containment design must have sufficient margin to accommodate, without exceeding the design leakage rate, calculated pressure and temperature conditions resulting from any loss-of-coolant accident (LOCA). This margin must reflect, among other considerations, the effects of potential energy sources which have not been included in the determination of the peak conditions, such as energy in steam generators and energy from metal-water and other chemical reactions that may result from degraded emergency core cooling functioning. As a clarification, for the purpose of containment design, it should be assumed that the emergency core cooling does not fail completely but that its performance is degraded such that emergency core cooling acceptance criteria are not met. This assumed performance degradation could result in localized fuel element failure from such causes as localized flow blockage, localized hot spots and local distortion in core geometry. The proposed amendment would make reference to a new § 50.44, "Standards for combustible gas control systems in Light Water Cooled Power Reactors", and would replace the word "degraded" with the words "degradation, but not total failure of." Criterion 50 would then read, in pertinent part, "* * * such as energy in steam generators and, as required by § 50.44, energy from metal-water and other chemical reactions that may result from degradation, but not total failure, of emergency core cooling functioning * * *."

Provisions are required for control of hydrogen gas that may accumulate within the containment following a LOCA as a result of:

1. Metal-water reaction involving the zirconium fuel cladding and the reactor coolant;
2. Radiolytic decomposition of the post-accident emergency cooling solutions (oxygen will also evolve in this process);
3. Corrosion of metals by solutions used for emergency cooling or containment spray.

If a sufficient amount of hydrogen is generated, it may react with the oxygen present in the containment atmosphere or, in the case of inerted (oxygen deficient) containments, with the oxygen generated following the accident. The reaction would take place at rates rapid enough to lead to high temperatures and significant overpressurization of the containment, which could result in a leakage rate above that specified in the limiting conditions for operation (Technical Specifications). Damage to systems and components essential to the continued control of the post-LOCA conditions could also occur.

The extent of metal-water reaction and associated hydrogen production depends strongly on the course of events assumed for the accident and on the effectiveness of emergency cooling systems. Past evaluations of the performance of emergency core cooling systems (ECCS) included as engineered safety features on current light-water-cooled reactor plants have been made by reactor designers using conservative analytical models described in the Interim Acceptance Criteria for Emergency Core Cooling Systems published on June 29, 1971 (36 FR 12248), as amended (December 18, 1971, 36 FR 24082). These calculations are further discussed in the Atomic Energy Commission Regulatory Staff's Concluding Statement at the hearing in the rulemaking proceeding, Docket RM-50-1. The result of such evaluations was that, for plants of current design operated in conformance with the Interim Acceptance Criteria, the calculated metal-water reaction amounts were limited to only a fraction of one percent of the fuel cladding mass. As a result of the rulemaking proceeding (Docket RM-50-1), the Commission adopted new regulations dealing with the effectiveness of ECCS (10 CFR Part 50, § 50.46). The rulemaking made a number of changes which increased the margin of safety should a design basis LOCA ever occur. The principal changes were: a reduction in the peak cladding temperature from 2300°F to 2200°F, a limit on the maximum allowed local oxidation, and a number of changes to required features of the evaluation models. The most important changes to the models were requirements that they take into account (1) swelling and bursting of the clad, (2) the stored energy in the fuel pellets, and (3) inside and outside metal-water reaction if the cladding fails.

The increased conservatism of § 50.46 has further limited the fuel duty, with the result that calculated metal-water reaction rates have been further reduced. It is appropriate to also consider the experience obtained from the various ECCS-related analytical studies and test programs, such as code developmental efforts, fuel densification, blowdown and core heat-up studies, and the PWR and BWR FLECHT tests, as well as to take account of the more stringent requirements for plants with ECCS evaluated under § 50.46, in setting the amount of initial metal-water reaction to be assumed for the purpose of establishing design requirements for combustible gas control systems. For these reasons, it is proposed that the combustible gas control system standards be relaxed for those plants operating under § 50.46.

Assumptions acceptable to the NRC staff for evaluating and designing a combustible gas control system are presented in Regulatory Guide 1.7, "Control of Combustible Gas Concentration in Containment Following a Loss-of Coolant Accident." Regulatory Guide 1.7 (orignally Safety Guide 7) was originally issued on March 10, 1971. A revision to this guide is being published for comment.[1] This revision will result in the assumption of smaller amounts of metal-water reaction than in the previous version of the guide for certain plants, depending on the results of evaluations performed in accordance with Appendix K to 10 CFR Part 50, "ECCS Evaluation Models." However, these plants will be the ones that are operating with increased safety margins as required by § 50.46. The changes in the proposed revision are as follows:

1. The extent of metal-water reaction (percentage of fuel cladding that reacts with water) assumed in calculating hydrogen generation is changed from a five percent reaction taking place instantaneously, to five times the maximum calculated reaction under 10 CFR Part 50, § 50.46, or that amount of hydrogen that would result from a core wide average depth of reaction into the original cladding of 0.00023 inches, whichever is greater, taking place in two minutes. If the maximum metal-water reaction permitted by § 50.46, one percent of the cladding mass, were calculated, five times this value would be five percent as in the original Safety Guide 7. A time interval of two minutes, while less conservative than assuming an instantaneous reaction, is still conservative because the blowdown and refill phase duration when the maximum fuel heatup occurs, causing maximum hydrogen generation, is generally of several minutes duration.

2. The hydrogen concentration limit is increased from 4 v/o to 6 v/o, on the assumption that the 2 v/o excess hydrogen would burn in the containment (if more than 5 v/o oxygen is present). The effects of the resultant energy and burning should not create conditions exceeding the design conditions of either the containment or safety equipment necessary to mitigate the consequences of a LOCA. Applicants and licensees must demonstrate such capability by suitable analyses and qualification test results. The basis for this change is that for hydrogen concentrations in the range of from 4 v/o to 6 v/o, only partial burning of the excess hydrogen above 4 v/o may occur, while above 6 v/o, it is possible in the presence of sufficient ignition sources that the total accumulated hydrogen could burn.

The Commission has always separated the design bases for ECCS and for containment systems and has required containment systems such as the combustible gas control system to be designed to withstand a more locally degraded condition of the reactor than the ECCS design basis permits. The approach is consistent with the provisions of General Design Criterion 50, in which the need to provide safety margins to account for the effects of degraded ECCS function is noted. Although the level of degradation considered might lead to an assumed extent of metal-water reaction in excess of that calculated for acceptable ECCS performance, it does not lead to a situation involving a total failure of the ECCS.

This "overlap" in protection requirements between the design bases for ECCS and for containment systems provides an appropriate and prudent safety margin against unpredicted events during the course of accidents. Accordingly, in establishing combustible gas control system performance requirements, the amount of hydrogen assumed to be generated by metal-water reaction should be based on the amount calculated in demonstrating compliance with § 50.46, but the amount of hydrogen required to be assumed should include a margin above that calculated. To obtain this margin, the assumed amount of hydrogen should be no less than five times that calculated in accordance with § 50.46.

Since the amounts of hydrogen thus determined may be quite small for many plants (as a result of the other more stringent requirements for ECCS performance in the criteria of § 50.46), it is consistent with the consideration of the potential for degraded ECCS performance to establish also a lower limit on the assumed amount of hydrogen generated by metal-water reactions. In establishing this lower limit, the fact that the maximum metal-water reaction permitted by the ECCS performance criteria is one percent of the cladding mass has been considered.[2] Use of this "one percent of the mass" value as a lower limit for assumed hydrogen production, however, would penalize unnecessarily reactors with thicker cladding, since for the same thermal conditions in the core in a postulated LOCA the thicker cladding would not, in fact, lead to increased hydrogen generation. This is because the hydrogen generation from metal-water reaction is a surface phenomenon. A more appropriate basis for setting the lower limit would be an amount of hydrogen assumed to be generated per unit cladding area. It is convenient to specify for this purpose a hypothetical uniform depth of cladding surface reaction. The lower limit of metal-water reaction hydrogen to be assumed is than the hypothetical amount that would be generated if all the metal to a specified depth in the outside surfaces of the cladding cylinders surrounding the fuel (excluding the cladding surrounding the plenum volume) were to react.

In selecting a specified depth to be assumed as a lower limit for all reactor designs, the NRC staff has calculated the depth that would correspond to the "one percent of the mass" value for the current core design with the thinnest cladding. This depth (0.01 times the thickness of the thinnest fuel clading in use) is 0.00023 inches.

The concentration of hydrogen (and oxygen) within the containment structures of reactor plants following a LOCA is calculated, considering metal-water reaction, radiolysis, and corrosion of metals, to reach the flammable limit within periods of less than a day after the accident for the smallest containments and up to more than a month for the largest ones. The hydrogen concentration could be maintained below its lower flammable limit by purging the containment atmosphere to the environs at a controlled rate after the LOCA; however, radioactive material in the containment would also be released. If purging became necessary shortly after the accident, significant quantities of such material could be released. On newer plants, purging should not be the primary means for controlling combustible gases following a LOCA; however, the capability for controlled purging shall be provided to aid in containment atmosphere cleanup. For those older plants whose notice of hearing on application for construction permit was published before December 22, 1968, filtered purging would be permitted as the primary means of hydrogen control only if calculations show that the combined purge plus LOCA dose at the low population zone outer boundary is below the 10 CFR Part 100 guidelines. For those older plants whose notice of hearing on application for construction permit was published between December 28, 1968, and November 5, 1970, filtered purging would be permitted as the primary means of hydrogen control only if the incremental purge dose at all points beyond the exclusion area boundary is below 10 percent of the 10 CFR Part 100 values and if the combined purge plus LOCA dose at the low population zone outer boundary is below the 10 CFR Part 100 guidelines. The Commission believes that the small increase in safety for these few older plants in question, does not justify the disruption and additional expense associated with the installation of other types of combustible gas control systems.

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[1] Copies of the revision to Regulatory Guide 1.7 may be obtained by written request to the U.S. Nuclear Regulatory Commission, Office of Standards Development, Washington, D.C. 20555.

[2] 10 CFR Part 50, § 50.46(b)(3) "The calculated total amount of hydrogen generated from the chemical reaction of the cladding with water or steam shall not exceed 0.01 times the hypothetical amount that would be generated if all of the metal in the cladding cylinders surrounding the fuel, excluding the cladding surrounding the plenum volume, were to react."

In some small containments (for a few boiling water reactors), the amount of metal-water reaction immediately after a LOCA may result in hydrogen concentrations above acceptable limits. The evolution rate of hydrogen from the metal-water reaction would be greater than that from either radiolysis or corrosion and would take place during the first two minutes after the LOCA. Hydrogen control systems cannot process large volumes of hydrogen very rapidly; to stay below acceptable limits, these smaller containments have to be operated with inert (oxygen deficient) atmospheres. This measure, the "inerting" of a containment, provides sufficient time for combustible gas control systems to become effective following a LOCA before a flammable mixture is reached in the containment.

The proposed new § 50.44 would clearly specify that, in order to provide for sufficient margin to accommodate calculated pressure and temperature conditions resulting from any LOCA, an inerted containment atmosphere must be provided unless a conservative evaluation demonstrates that, following a LOCA, either: (1) An uncontrolled hydrogen-oxygen recombination would not take place in the containment or (2) the containment and structures and systems important to safety would be able to withstand the consequences of uncontrolled hydrogen-oxygen recombination without loss of safety function. It should be emphasized, however, that nothing in the proposed amendments should be interpreted as restricting the licensee's flexibility to operate in a deinerted condition for a reasonable period prior to shutdown and immediately after startup as presently allowed by the Technical Specifications in accordance with current practice.

It should be noted that the extent of initial metal-water reaction calculated for the first core of a plant, and used as a design basis for the hydrogen control system, becomes a limiting condition for all reload cores in that plant unless the hydrogen control system is subsequently modified and reevaluated. Hydrogen control systems in plants which received operating licenses on the basis of ECCS evaluations under the Interim Acceptance Criteria should continue to be designed for the five percent initial metal-water reaction. For plants which received construction permits on the basis of ECCS evaluations under the Interim Acceptance Criteria, the applicant would have the option of using either a five percent metal-water reaction or the value as determined using the procedure in the proposed § 50.44, five times the maximum amount calculated in accordance with § 50.46, but no less than the amount that could result from reaction of all the metal in the outside surfaces of the cladding cylinders surrounding the fuel (excluding the cladding surrounding the plenum volume) to a depth of 0.00023 inches.

Additional guidance by the Commission's staff is provided in Regulatory Guide 1.7, "Control of Combustible Gas Concentrations in Containment Following a Loss of Coolant Accident."

The Atomic Safety and Licensing Appeal Board in the Matter of Vermont Yankee Nuclear Power Corporation, Docket No. 50-271, has differed with the NRC staff as to the legality and the technical merits of containment inerting. The Appeal Board has ruled that (1) the inerting requirement could not legally be imposed under the Commission's existing regulations and (2) the inerting requirement was technically not justified. The Atomic Energy Commission has overruled the Appeal Board, stating (1) that the inerting requirement could be imposed under existing regulations and (2) that the complex technical issues involved should be resolved by way of rulemaking.

The Appeal Board has identified the following adverse consequences of inerting:

(1) A reduced inspection capability resulting from the presence of an inert atmosphere.

(2) Hazards to plant personnel that could result from entries into a containment that has been deinerted but which may still have nitrogen pockets.

(3) Additional radiation exposure, of the order of 50–100 millirems, to plant personnel who are required to survey the containment after it is deinerted to assure that the atmosphere is breathable.

The NRC staff's position on the inspection issue is that inerting does not necessarily cause a reduction in the number of inspections and, even assuming that a reduction in the number of inspections does occur, such reduction does not adversely affect the protection of the public health and safety. The integrity of the primary coolant system which includes the reactor vessel is maintained primarily by the requirements of the Technical Specifications and § 50.55a. Under the regulations and Technical Specifications, the licensee is required to conduct periodic inservice inspections including ultrasonic and hydrostatic tests pursuant to the American Society of Mechanical Engineers Code, Section XI, to the degree practical as established under § 50.55a, while the plant is shut down. Because of the lack of accessibility to the primary system while the plant is operating, the staff requires, in addition to the inspection requirements of Section XI of the ASME, two sensitive leak detection systems of different operating principles to achieve effective redundancy. If the leaks which might occur in the primary coolant system exceed a small predetermined level established in the Technical Specifications, the plant is required to shut down. Inerting does not affect the functioning of the foregoing safeguards. Although the staff agrees that increased inspection and surveillance are generally beneficial, in the specific circumstances under consideration here, inspection techniques are not relied upon by the staff to maintain the integrity of the primary coolant system. That is, the staff has determined that the health and safety of the public are protected through the use of the periodic surveillance and leak detection regime. Additional visual inspections are not required.

The NRC staff position is that inerting would not present hazards to the public different from those present for operation in a non-inerted mode. With respect to the matter of the safety of operating personnel performing maintenance work within the containment vessel, the staff based its conclusion upon the understanding that licensees have decided that the containment would not be entered by operating personnel or others until it was deinerted, that maintenance work would not be performed until an oxygen survey was made, that an additional person would be present with the person performing maintenance work, that two observers would be available in the air lock for rescue operations, and that instrumentation has been provided to alert operating personnel to changes of conditions within the containment. The staff also based its conclusion upon the fact that (1) no injuries or fatalities have resulted to personnel as a result of entering deinerted BWR containment vessels during the operating history of such power reactors in the United States and (2) nitrogen pocketing has not yet been found to occur in BWR containments in the United States. The staff has also considered that there is a small possibility that at some time someone may enter an inerted containment and that the self-contained breathing apparatus being used may malfunction.

The NRC staff position on the additional radiation exposure to plant personnel who are required to survey the containment is that the 50 to 100 millirems for each entry is sufficiently slight so as not to constitute an undue hazard to the operating personnel. The dose limit for exposure to individuals in restricted areas is given in § 20.01 as 1.25 rem per calendar quarter to the whole body. Thus, the additional exposure is only a small fraction of the allowed dose.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by December 20, 1976. Copies of comments received on the proposed amendments may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

1. In 10 CFR Part 50, Appendix A—General Design Criteria for Nuclear Power Plants, Criterion 50 is amended to read as follows:

* * * * *

Criterion 50—Containment design basis. The reactor containment structure, including access openings, penetrations, and the containment heat removal system, shall be designed so that the containment structure and its internal compartments can accommodate, without exceeding the design leakage rate and with sufficient margin, the calculated pressure and temperature conditions resulting from any loss-of-coolant accident. This margin shall reflect consideration of (1) the effects of potential energy sources which have not been included in the determination of the peak conditions, such as energy in steam generators and, as required by § 50.44, energy from metal-water and other chemical reactions that may result from degradation, but not total failure, of emergency core cooling functioning, (2) the limited experience and experimental data available for defining accident phenomena and containment responses, and (3) the conservatism of the calculational model and input parameters.

2. A new § 50.44 is added to 10 CFR Part 50 to read as follows:

§ 50.44 Standards for combustible gas control system in Light Water Cooled Power Reactors.

(a) Each boiling or pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical zircaloy cladding, shall, as provided in paragraphs (b) through (d) of this section, include means for control of hydrogen gas that may be generated, following a postulated loss-of-coolant accident (LOCA), by (1) metal-water reaction involving the fuel cladding and the reactor coolant, (2) radiolytic decomposition of the reactor coolant, and (3) corrosion of metals.

(b) Each boiling or pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical zircaloy cladding, shall be provided with the capability for (1) measuring the hydrogen concentration in the containment, (2) ensuring a mixed atmosphere in the containment, and (3) controlling combustible gas concentrations in the containment following a postulated LOCA.

(c) Each boiling or pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical zircaloy cladding, shall be provided with an inerted containment atmosphere in order to provide protection against hydrogen burning and explosions during the time period immediately following a postulated LOCA but prior to effective operation of the combustible gas control system, unless the licensee or applicant demonstrates by a conservative evaluation that following a postulated LOCA, either: (1) An uncontrolled hydrogen-oxygen recombination would not take place in the containment; or (2) the plant could withstand the consequences of uncontrolled hydrogen-oxygen recombination without loss of safety function.

(d) For facilities which are in compliance with § 50.46(b), the amount of hydrogen contributed by core metal-water reaction (percentage of fuel cladding that reacts with water), as a result of degradation, but not total failure, of emergency core cooling functioning, shall be assumed to be 5 times the total amount of hydrogen calculated in demonstrating compliance with § 50.46(b)(3), or the amount that would result from reaction of all the metal in the outside surfaces of the cladding cylinders surrounding the fuel (excluding the cladding surrounding the plenum volume) to a depth of 0.00023 inches, whichever is greater. A time period of two minutes shall be used as the interval after the postulated LOCA over which the metal-water reaction occurs. For facilities as to which no evaluation of compliance in accordance with § 50.46(b) has been submitted and evaluated, the amounts of hydrogen so contributed shall be assumed to be that amount resulting from the reaction of 5 percent of the mass of metal in the cladding cylinders surrounding the fuel, excluding the cladding surrounding the plenum volume. However, for facilities under construction as to which no evaluation of compliance in accordance with § 50.46(b) has been submitted, either of the above amounts of hydrogen so contributed may be used.

(e) For facilities with respect to which the notice of hearing on the application for a construction permit was published between December 28, 1968, and November 5, 1970, if the incremental radiation dose from purging occurring at all points beyond the exclusion area boundary after a postulated LOCA calculated in accordance with § 100.11(a)(2) of this chapter is less than 2.5 rem to the whole body and less than 30 rem to the thyroid, and if the combined radiation dose at the low population zone outer boundary from purging and the postulated LOCA calculated in accordance with § 100.11(a)(2) of this chapter is less than 25 rem to the whole body and less than 300 rem to the thyroid, only a purging system is necessary, provided that the purging system and any filtration system associated with it are designed to conform with the general requirements of Criteria 41, 42, and 43 of Appendix A to this part. Otherwise the facility shall be provided with another type of combustible gas control system (a repressurization system is acceptable) designed to conform with the general requirements of Criteria 41, 42, and 43 of Appendix A to this part. If a purge system is used as part of the repressurization system, the purge system shall be designed to conform with the general requirements of Criteria 41, 42, and 43 of Appendix A to this part. The containment shall not be repressurized beyond, approximately, 50 percent of the containment design pressure.

(f) For facilities with respect to which the notice of hearing on the application for a construction permit was published before December 22, 1968, if the combined radiation dose at the low population zone outer boundary from purging and the postulated LOCA calculated in accordance with § 100.11(a)(2) of this chapter is less than 25 rem to the whole body and less than 300 rem to the thyroid, only a purging system is necessary, provided that the purging system and any filtration system associated with it are designed to conform with the general requirements of Criteria 41, 42, and 43 of Appendix A to this part. Otherwise, the facility shall be provided with another type of combustible gas control system (a repressurization system is acceptable) designed to conform with the general requirements of Criteria 41, 42, and 43 of Appendix A to this part. If a purge system is used as part of the repressurization system, it shall be designed to conform with the general requirements of Criteria 41, 42, and 43 of Appendix A to this part. The containment shall not be repressurized beyond, approximately, 50 percent of the containment design pressure.

(g) As used in this section:

(1) Degradation, but not total failure, of emergency core cooling functioning means that the performance of the emergency core cooling system is postulated, for purposes of design of the combustible gas control system, not to meet the acceptance criteria in § 50.46 and that there could be localized clad melting and metal-water reaction to the extent postulated in paragraph (d) of this section. The degree of performance degradation is not postulated to be sufficient to cause core meltdown.

(2) A combustible gas control system is a system that operates after a LOCA to maintain the concentrations of combustible gases within the containment,

such as hydrogen, below flammability limits. Combustible gas control systems are of two types: (i) Systems that allow controlled release from containment, through filters if necessary, such as purging systems and repressurization systems, and (ii) systems that do not result in a significant release from containment such as recombiners.

(3) A purging system is a system for the controlled release of the containment atmosphere to the environment through filters if needed.

(4) A repressurization system is a system used to dilute the concentration of combustible gas within containment by adding inert gas to the containment. Dilution if the combustible gas results in a delay in time until a flammable concentration is reached and permits fission product decay. Operation is limited to a containment repressurization to approximately 50 percent of the containment design pressure. A purging system is normally part of the repressurization system.

(Sec. 161, as amended, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841).)

Dated at Washington, D.C., this 14th day of October 1976.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-31079 Filed 10-20-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 14932; FAA Order 5050.2B]

INSTRUCTIONS FOR PROCESSING AIRPORT DEVELOPMENT ACTIONS AFFECTING THE ENVIRONMENT

Publication

Pursuant to the Council on Environmental Quality (CEQ) Guidelines appearing in 40 CFR 1500, the Federal Aviation Administration (FAA) publishes FAA Order 5050.2B, Instructions for Processing Airport Development Actions Affecting the Environment. Order 5050.2A was published for public comment in Notice of Proposed Rule Making No. 75–32 on August 20, 1975 (40 F.R. 36516).

FAA Order 5050.2B is a revision of FAA Order 5050.2A and will be incorporated by reference in Part 152 of the Federal Aviation Regulations by Amendment 152–4.

FAA Order 1050.1B, Policies and Procedures for Considering Environmental Impacts, was published for public comment on August 12, 1976. The order proposes to revise the FAA's policies and procedures for consideration of environmental impacts required by Section 102 (2)(C) of the National Environmental Policy Act of 1969 (P.L. 91–190); 42 U.S.C. 4332(2)(C), as amended. Each appropriate FAA office and service has a separate appendix in the order covering its actions. The provisions of FAA Order 5050.2B will, in the near future, be included in FAA Order 1050.1B, and Order 5050.2B will then be cancelled.

In consideration of the foregoing, FAA Order 5050.2B, Instructions for Processing Airport Development Actions Affecting the Environment, is published below in accordance with the Council on Environmental Quality Guidelines.

Issued in Washington, D.C. on October 12, 1976.

William V. Vitale,
Deputy Assistant Administrator,
Office of Airports Programs.

Foreword

1. *Purpose*. This order provides instructions and guidance for preparing and processing the environmental assessments of airport development proposals as required by various laws and regulations.

2. *Distribution*. This order is distributed to Washington Office of Airports Programs, Office of the Chief Counsel, Office of Environmental Quality, and the Office of Aviation System Plans to branch level; to Regional Airports Divisions, Regional Counsel, and Regional Planning Staffs to the branch level; and to all Airports District Offices.

3. *Cancellation*. Order 5050.2A, Instructions for Processing Airport Development Actions Affecting the Environment, dated February 24, 1975, is cancelled.

4. *Authority*. Section 102 of the National Environmental Policy Act of 1969 (P.L. 91–190) (hereinafter "NEPA"); Section 16 of the Airport and Airway Development Act of 1970 (P.L. 91–258), as amended (P.L. 94–353) (hereinafter "the Airport Act"); Section 4(f) of the Department of Transportation Act (P.L. 90–495); ~~DOT~~ Order 5610.1B (39 F.R. 35231); CEQ Guidelines (40 C.F.R. Part 1500).

5. *Applicability*. This order applies to any Federal decision relating to airport development. Included are actions involving the Planning Grant Program (PGP), the Airport Development Aid Program (ADAP), airport site selection pursuant to Sections 308 and 309 of the Federal Aviation Act of 1958, and requests by sponsors for the release of obligations to permit sale of airport property.

William V. Vitale,
Deputy Assistant Administrator,
Office of Airports Programs.

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CHAPTER 1. DEFINITIONS

1. DEFINITIONS APPLICABLE TO THIS ORDER

a. *Major Federal Action Significantly Affecting the Quality of the Human Environment.* This is any Federal action falling within the scope of paragraph 20 of this order. These actions require the preparation of an environmental impact statement.

b. *Environmental Impact Assessment Report.* This is the report, prepared by the sponsor of an action, analyzing the environmental impact of a proposed action for which Federal financial assistance is being requested or for which a Federal authorization is required. This report may serve as the basis, in whole or in part, for the FAA's draft environmental impact statement or negative declaration.

c. *Draft Environmental Impact Statement.* This is the document that represents FAA's evaluation of the environmental impact of a proposed action when coordination pursuant to Section 102(2)(C) of NEPA is initiated. The agency makes its own evaluation and assumes responsibility for the draft environmental impact statement. It is simultaneously distributed by FAA to the Council on Environmental Quality (CEQ), other appropriate Federal agencies, state and local agencies, and to the public.

d. *Environmental Decision Memorandum.* This is an FAA staff memorandum transmitting the negative declaration or environmental impact statement and the proposed Federal Finding to the responsible official. The memorandum sets forth the action to be taken, discusses the key issues, and indicates any factors requiring special consideration.

e. *Final Environmental Impact Statement.* This is the document that represents FAA's final evaluation of the environmental impact of a proposed major Federal action. The final environmental impact statement will usually consist of the draft environmental impact statement, as amended if necessary, comments thereon, responses thereto, the decision memorandum, and a Federal Finding. Reports cited as a reference in the statement need not be included in the documentation. The environmental impact statement is the vehicle for considering the environmental impacts of a proposed Federal action. This document must accompany each proposed action through the Federal decision-making process.

f. *Federal Finding.* This is a determination by the responsible official signifying approval or disapproval of a negative declaration or a final environmental impact statement.

g. *Negative Declaration.* This is the document that constitutes FAA's evaluation that a particular action will not significantly alter the airport's impact on its surrounding environment and the action is not highly controversial on environmental grounds. Coordination and review pursuant to Section 102(2)(C) of NEPA are not required.

h. *Negative Declaration with Section 16 (c)(4) Coordination.* This is a negative declaration as defined above which, because the project involves airport location, a major runway extension, or runway location, must be coordinated with the Department of the Interior and the Environmental Protection Agency.

i. *Prior Finding Affirmation.* This is a finding by the responsible official that a proposed action is within the scope of a previously approved environmental impact statement or negative declaration. Affirmation of a prior finding establishes the continued validity of a previous environmental determination with respect to a currently proposed Federal action.

j. *Human Environment.* This is the aggregate of all external conditions and influences (ecological, biological, economic, social, cultural, historical, aesthetic, etc.) that affects the life of a human.

k. *Responsible official.* This is the official responsible for making the final determination as to whether the environmental requirements for a proposed Federal action have been satisfied.

l. *Sponsor.* This is any public agency eligible to receive Federal financial assistance under the Airport Act or anyone proposing an airport development project for which a Federal authorization is required.

m. *Major Runway Extension.* This is a runway extension which either expands the airport's existing boundary or a clear zone into surrounding land areas, or upgrades an existing runway to permit first-time jet aircraft usage, to permit usage by a larger or noisier type of jet aircraft, or to permit a significant increase in the level of jet aircraft operations.

n. *Major New Construction or Expansion of Passenger Handling and Parking Facilities.* This is such development on a hub airport that would provide for accommodation of part or whole of an aggregate increase of 25 percent (but not less than 100,000) in enplanements for the forecast period.

2.–9. RESERVED

CHAPTER 2. REQUIREMENT FOR ENVIRONMENTAL

10. GENERAL

Environmental amenities and values shall be carefully considered and weighed in a timely manner in evaluating all proposed Federal actions relating to airport planning and development, utilizing a systematic interdisciplinary approach. The environmental assessment and consultation process is to provide officials and decision makers, as well as members of the public, with an understanding of the potential environmental impacts of the proposed action. While environmental considerations are obviously not the only ones to be weighed, they are to be evaluated as fully and as fairly as nonenvironmental considerations. The FAA's objective is to avoid or minimize adverse environmental impacts that might flow from any proposed Federal action. Unless excepted by this order, an environmental impact statement, negative declaration, or prior finding affirmation is required for all proposed Federal actions related to airport development.

11. SPONSOR'S RESPONSIBILITY

Sponsors of airport projects are responsible for preparing an environmental impact assessment report containing a discussion and analysis of the environmental implications and impacts associated with the proposed action. Such a report shall be developed in coordination with appropriate local, state, and Federal agencies, with community involvement as described in this order, and in direct consultation with FAA. It is important that the material contained therein be objective, comprehensive, and accurate in order for it to serve as the basis for the preparation of the FAA's draft environmental impact statement or negative declaration. The sponsor's responsibility also extends to providing additional data and information to the FAA when required to assist in its review of environmental impacts and for use in the preparation of the draft and final impact statements.

12. FAA RESPONSIBILITY

The FAA is responsible for analyzing the environmental impacts and consequences of any proposed Federal action involving an airport development project, for preparing and circulating draft and final environmental impact statements, and ultimately for making the Federal Finding on the proposed action. Although an environment impact assessment report submitted by an airport sponsor may be used in whole or in part, the FAA is responsible for the facts, opinions, and judgments upon which the finding or other environmental determination is based. It is, therefore, incumbent upon the FAA to assure that all documentation presents a full, accurate, and fair assessment of the environmental consequences of the proposed action.

13. USE OF CONSULTANTS

Consultants may be employed to prepare environmental impact assessment reports for airport sponsors. They may also be used to prepare background or supplemental material and otherwise assist in preparing a draft or final environmental statement for which the FAA takes responsibility. Care should be exercised in selecting consultants to assure that the skills and effort to be provided are commensurate with the complexity and magnitude of the environmental assessment. In reviewing the work of consultants, FAA must insure that complete and objective consideration has been given to all relevant project impacts and alternatives, particularly if the consultant may expect further contracts based on the outcome of the environmental decision. During negotiations with a consultant, completeness and objectivity may be jeopardized if either the sponsor or the FAA indicates that a particular alternative is favored, or suggests that consideration of possible follow-on work should affect the negotiation.

14. LEAD AGENCY

CEQ Guidelines provide that: "Where more than one agency (1) directly sponsors an action, or is directly involved in an action through fundng, licenses, or permits, or (2) is involved in a group of actions directly related to each other because of functional interdependence and geographic proximity, to the maximum extent possible one statement should be prepared for all Federal actions involved. Agencies in such cases should consider the possibility of joint preparation of a statement by all agencies concerned, or designation of a single 'lead agency' to assume supervisory responsibility for preparation of the statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. In either case, the statement should contain an environmental assessment of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. As necessary, the Council on Environmental Quality will assist in resolving questions of responsibility for statement preparation in the case of multi-agency actions. Federal Regional Councils, agencies, and the public are encouraged to bring to the attention of the Council and other relevant agencies appropriate situaitons where a geographic or regionally focused statement would be desirable because of cumulative effects likely to result from multi-agency actions in the area."

Questions concerning "lead agency" decisions should be directed by the region to the Airports Planning Division, AAP-400, to be raised with CEQ through appropriate agency consultation channels. For projects serving and primarily involving land owned by or under the jurisdiction of another Federal agency, that agency may be the appropriate lead agency.

15. COMMUNITY INVOLVEMENT

While most requests for Federal financial assistance originate with a local public agency, the involvement of the community at large is a necessary element in the decision-making process. Communities, organizations (such as environmental, conservation, aviation and airspace user, public service, education, labor or business organizations), and other individuals affected by airport development proposals submitted to the FAA shall be provided an effective opportunity to comment at all appropriate stages in the decision-making process; and, in all cases, they shall be provided an opportunity to review and comment on draft statements and final statements. In accordance with Section 16(d) of the Airport Act, an opportunity for public hearings must be offered on any action involving location of a new airport, location of a new runway, or extension of a runway. For other actions, a public hearing should be considered in accordance with the guidelines contained in paragraph 57b of this order. FAA Advisory Circular 150/5050-4, Citizen Participation in Airport Planning, dated September 26, 1975, has additional specific guidance on community involvement.

16. INFORMATION AVAILABILITY

In accordance with the policy set forth in 49 CFR 7.87(c), the FAA is responsible for making available environmental statements, comments received, and underlying documents to the public without charge to the fullest extent practical, or at a reduced charge which is not more than the actual cost of reproducing copies.

17.–18. RESERVED

CHAPTER 3. ENVIRONMENTAL ACTION CHOICES

19. GENERAL

a. All proposed Federal actions involving the following categories of airport development actions (including development shown on the airport layout plan) must be supported by an environmental assessment and resultant finding:

(1) New airport site selection and development.

(2) New runway.

(3) Major runway extension.

(4) Runway strengthening which would permit first time jet use or use by larger or noisier type of jet aircraft.

(5) Major new construction or expansion of passenger handling or parking facilities with Federal funding.

(6) Land acquisition associated with all the above items plus any land acquisition which causes relocation of residential or business activities or involves land covered under Section 4(f) of the Department of Transportation Act.

(7) Establishment or relocation of instrument landing system (ILS), approach lighting system (ALS), or runway end identification lights (REILS) (when airport development aid funds are used).

(8) Any airport development action that falls within the scope of paragraph 20 or which involves any of the following, as more particularly described in paragraph 44:

(a) Use of any Department of Transportation Act Section 4(f) land.

(b) Effect on property included in or eligible for inclusion in the National Register of Historic Places or other property of state or local historical, architectural, archaeological, or cultural significance.

(c) Wetlands or coastal zones.

(d) Endangered or threatened species.

b. The actions identified in subparagraph a. above must be supported through one of the following action choices:

(1) Fully coordinated environmental impact statements (paragraph 20).

(2) Negative declaration actions:

(a) As a result of changing a draft environmental impact statement (paragraph 21);

(b) Requiring limited coordination per Section 16(c)(4) of the Airport Act (paragraph 22); or

(c) Requiring limited assessment (paragraph 23).

(3) Actions affirming prior findings (paragraph 24).

20. FULLY COORDINATED NEPA SECTION 102(2) (C) ACTION

a. An environmental impact statement shall be prepared for the following proposed Federal actions:

(1) Any action that has an effect that is not minimal on properties protected under Section 4(f) of the DOT Act or Section 106 of the Historic Preservation Act.

(2) Any action that is likely to be highly controversial on environmental grounds.

(3) Any action that is likely to have a significant impact on natural, ecological, cultural, or scenic resources of national, state, or local significance, including endangered species and wetlands.

(4) Any action that is likely to be highly controversial with respect to the availability of adequate relocation housing.

(5) Any action that:

(a) Causes substantial division or disruption of an established community, or disrupts orderly, planned development, or is determined to be not reasonably consistent with plans or goals that have been adopted by the community in which the project is located; or

(b) Causes a significant increase in surface traffic congestion.

(6) Any action that:

(a) Has a significant impact on noise levels of noise sensitive areas;

(b) Has a significant impact on air quality or violates the standards for air quality of an affected locality, the state, or the Environmental Protection Agency;

(c) Has a significant impact on water quality or may contaminate a public water supply system; or

(d) Is determined to be inconsistent with any Federal, state, or local law or administrative determination relating to the environment.

(7) Other action that directly or indirectly affects human beings by creating a significant impact on the environment.

b. In determining whether an environmental impact statement is required for a proposed Federal action, it is necessary to consider the overall, cumulative impact of the proposed action and the consequences of subsequent related actions. This is important because the effect of a number of decisions about a complex of projects can be individually limited to the extent that a negative declaration would appear to be appropriate for each project; however, when considered together, the projects may have a considerable cumulative impact. If an action would permit further contemplated actions (either by the FAA, another agency, or the sponsor), then in determining whether to prepare an environmental impact statement, the impacts of the further contemplated actions, as well as the impacts of the proposed action, must be considered. If an environmental statement is required, it must be processed before a commitment is made that would enable the further contemplated action or foreclose or narrow the consideration of alternatives to such contemplated action.

c. A proposed Federal action is considered highly controversial when the action is opposed by a Federal, state, or local government agency or by a substantial number of the persons affected by such action on environmental grounds. If the responsible official has any doubt as to whether a given number of opposing persons is "substantial," that doubt should be resolved by processing the action as a highly controversial one. In an action involving relocation of persons or businesses, a controversy over the amount of the acquisition or relocation payments is not considered to be a controversy with respect to availability of adequate relocation housing.

d. Details on processing and approval of these actions are contained in Chapter 7.

21. CHANGE OF DRAFT ENVIRONMENTAL IMPACT STATEMENTS TO NEGATIVE DECLARATIONS

a. During the processing of an environmental impact statement as discussed in Chapter 7, the FAA may conclude that the proposed action is not a major Federal action significantly affecting the quality of the human environment and therefore does not require the preparation of a final envionmental impact statement pursuant to NEPA Section 102(2)(C). In this case, the appropriate action choice is to change the action and prepare a negative declaration. If a draft environmental impact statement has been circulated, then particualr action is required as discussed in Chapter 8.

b. This type of situation will occur when the environmental circumstances that prompted the draft statement have been dismissed, avoided, or eliminated. This may happen because of a change in the project, a change in the nature or degree of impacts, an inaccuracy in the data, or a misunderstanding of the facts contained in the draft statement. The reason for changing a draft environmental impact statement to a negative declaration must be specific, clearly established, and properly documented. It cannot be based merely on the absence of adverse comments by reviewing agencies. If the Section 102(2)(C) process was initiated because of opposition by a local, state, or Federal agency, written documentation must be obtained from the agency indicating that the opposition no longer exists.

22. NEGATIVE DECLARATION ACTIONS REQUIRING AIRPORT ACT SECTION 16(C)(4) COORDINATION

a. This action choice occurs when the proposed action involves the location of an airport, the location of a runway, or the major extension of a runway but does not have consequences bringing it within the scope of paragraph 20. A negative declaration must be supported by an environmental impact assessment report, prepared in accordance with Chapter 5 of this order, substantiating the determination that the proposed action will not significantly alter the airport's impact on its surrounding environment and is not highly controversial on environmental grounds.

b. Pursuant to Section 16(c)(4) of the Airport Act, the Department of the Interior and the Environmental Protection Agency (by transfer of functions from the Department of Health, Education, and Welfare) must be consulted even in circumstances where a negative declaration is appropriate. Those agencies should be forwarded a copy of the negative declaration (and environmental impact assessment report), and advised that, although the project is not expected to significantly affect the quality of the human environment, they are being consulted pursuant to Section 16(c)(4).

c. FAA processing and approvable of this action choice are described in Chapter 9.

23. OTHER NEGATIVE DECLARATION ACTIONS

This action choice applies to those projects which do not have circumstances bringing them within the scope of either paragraph 20 or 22 and which are not excepted under paragraph 25. Content, processing, and approval of this action choice are described in Chapter 10.

24. PRIOR FINDING ACTIONS

This action choice is applicable if, after a thorough review, it is found that the proposed project conforms to plans or projects for which an environmental impact statement or negative declaration concerning the environmental impact has been made; that the data and analyses contained in the previously approved documentation are still substantially valid insofar as they pertain to the proposed action; that preparation of a new environmental impact statement or negative declaration is not necessary; and that the prior environmental impact statement or negative declaration may be affirmed. Content, processing, and approval of this action choice are described in Chapter 11.

25. EXCEPTED ACTIONS

The following actions do not have the potential for causing a significant environmental impact and do not require an environmental impact assessment report:

a. Policy and planning documents not intended for direct implementation.

b. Grants of funds for airport system planning and airport master planning.

c. Airport planning, design, and development program advisory circulars issued by FAA as administrative and technical guidance to the public.

d. ADAP actions which are tentative and conditional and are clearly taken as a preliminary action to establish a sponsor's eligibility under ADAP.

e. Airport-related emergency actions.

f. All airport development actions other than those categories identified in paragraph 19a and not falling within the categories identified in paragraph 20.

g. The issuance of certificates and related actions under the Airport Certification Program (Federal Aviation Regulations, Part 139).

h. Advisory actions as described in paragraph 36.

26.–29. RESERVED

CHAPTER 4. SPECIAL ACTION CONSIDERATIONS

30. ASSESSING ALTERNATIVES

a. In determining which alternatives to consider, all actions that might reasonably be expected to accomplish the project objective should be identified for preliminary review. This should include actions that are not necessarily within the authority of the sponsor or the FAA to take, such as the selection of an airport site outside of the sponsor's jurisdiction, the use of another mode of transportation, air traffic operational constraints, and jurisdictional land use and zoning practices. If preliminary examination indicates that some or all of the alternative actions are unreasonable, those actions should be identified with a statement of the reasons for not considering them. Sufficient analysis of reasonable alternatives (including the alternative of taking no action) and their environmental benefits, costs, and risks should accompany the proposed statement through the review process to insure that consideration of the alternatives is not prematurely foreclosed.

b. Both Section 16(c)(4) of the Airport Act and Section 4(f) of the DOT Act require a finding that "no feasible and prudent alternative" exists. The terms "feasible" and "prudent" are separate criteria and refer to sound engineering principles and sound judgment, respectively. A construction alternative, for example, may be feasible if, as a matter of sound engineering principles, it can be built. It may not be prudent, however, because of environmental, social, or economic consequences. Generally, the proposed action is that alternative which is feasible and prudent when, all factors considered (safety, efficiency, economic, social, and environmental), the benefits of the proposed alternative outweigh those of all other alternatives. For additional guidance relative to Section 4(f), see subparagraph 30d.

c. Section 16(c)(4) of the Airport Act provides that the Secretary of Transportation shall authorize no project under the Airport Development Aid Program involving airport location, a major runway extension, or runway location found to have an adverse effect unless he shall render a finding in writing, following a full and complete review, that no feasible and prudent alternative to the project exists and that all possible steps have been taken to minimize such adverse effect. The degree of adverse effect on the environment is the primary factor in determining the detail required in assessing the feasible and prudent alternatives. A distinction is made here between adverse effect and significant adverse effect. This distinction is established in the course of the environmental assessment process, as follows: During the project planning stage, an environmental assessment is developed, and basic feasible and prudent alternatives to accomplish the desired end are proposed. In assessing the feasibility of these alternatives, general broad scale environmental effects are considered and a development alternative is proposed which becomes the project described. When further detailed environmental assessment of the proposed alternative yields no significant adverse effect as identified in paragraph 20, then the initial assessment of the other alternatives is sufficient for Section 16(c)(4) purposes. However, if during this assessment it is determined that the proposed alternative falls under paragraph 20, then a more thorough investigation of other alternatives as called for in paragraph 46a is in order.

d. Section 4(f) of the DOT Act provides that the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or any land from an historic site of national, state, or local significance as determined by the officials having jurisdiction thereof unless there is no feasible and prudent alternative to the use of such land and such program includes all possible planning to minimize harm. Project development involving DOT Section 4(f) does not necessarily fall within the processing requirements of NEPA Section 102(2)(C). However, regardless of which action choice is appropriate, the documentation must contain an assessment of alternatives and evidence of planning to minimize harm to the Section 4(f) land, as more particularly described in paragraph 44f. To comply with Section 4(f), it is necessary to show that a rejected alternative to a proposed action presents unique problems, or that the costs or community disruption it entails reach extraordinary magnitudes.

e. Determinations that the "do nothing" alternative does not exist as a feasible and prudent alternative will generally be made on the basis of comparisons of benefits and adverse effects. Consideration of alternatives at different locations which would satisfy project requirements should include comparisons of similar effects at each location.

f. An alternative that would have substantially the same amount of environmental impact as the proposed action does not represent a prudent alternative if it would reduce the effectiveness of the project.

g. As a minimum, a negative declaration shall consider the alternative of "do nothing."

31. CONSULTATION REQUIRED BY SECTION 16(c)(4)

a. Section 16(c)(4) requires consultation with the Department of the Interior and the Environmental Protection Agency regarding the effects certain types of airport projects may have on natural resources. When this consultation occurs as part of the Section 102(2)(C) coordination process, it must be made clear in the heading of the draft statement and in the transmittal that consultation is sought for purposes of both Sections 102(2)(C) and 16(c)(4).

b. Differences of opinion that develop as a result of Section 16(c)(4) consultation should be resolved at the field level to the extent possible. Any unresolved issues, including objections on the adequacy of the assessment of impacts or alternatives or objections to the proposed Section 16(c)(4) action, should be identified and called to the attention of the responsible official. It should be noted that the role of the Department of the Interior and of the Environmental Protection Agency is one of consultation, not concurrence, on Section 16(c)(4) actions. After consultation, it is FAA's responsibility to give due consideration to the comments received and to make the decisions as to whether the action should be approved pursuant to Section 16(c)(4), that no feasible and prudent alternative exists, and that all possible steps have been taken to minimize adverse effects.

32. AIRPORT LAYOUT PLAN APPROVALS

a. *Applicability*. This paragraph applies only to items of development approved for the first time by FAA, shown on a new or revised airport layout plan (ALP).

b. *General*. Proposals to construct new runways, runway extensions, terminal buildings or other major and supportive development ar shown on an ALP. Inclusion on the plan signifies only that the proposed development has been identified by public sponsors for planning purposes. It does not represent a commitment by the sponsor to implement the indicated development. FAA reviews the planned development with respect to safety, efficiency, and utility. FAA's action does not represent a commitment to provide financial assistance to implement the proposed plan.

c. *Approval*.

(1) When all items of development covered by paragraph 19a of this order have been the subject of environmental findings pursuant to the provisions of this order, then the ALP may be approved unconditionally.

(2) When such environmental action has not been completed, the ALP may be approved subject to the following condition which shall be included in the ALP approval letter:

"The approval indicated by my signature is given subject to the condition that the proposed airport development identified by item herein as requiring environmental processing may not be undertaken without prior written environmental approval by the FAA."

(3) The approval letter will identify, by item, those items shown on the ALP which are covered by paragraph 19a and have not yet been environmentally approved by FAA.

(4) The FAA approval of an ALP shall be indicated as follows:

(a) The FAA unconditional approval shall be shown on the face of the ALP by use of the term "approved."

(b) The FAA conditional approval shall be shown on the face of the ALP by use of the term "conditionally approved" and cross-referencing the ALP approval letter.

33. MASTER PLANNING GRANTS

Master planning grants are not considered major Federal actions for purposes of Section 102(2)(C) of NEPA; and, therefore, an environmental impact assessment report or statement is not required for issuance of the grant. Preparation of an environmental impact assessment report is usually included as one of the elements of the master plan, as is the preparation of a new or revised airport layout plan. The airport layout plan is the vehicle through which FAA acts with respect to airport planning and which is subject to the requirements in paragraph 32 of this order. The environmental impact assessment report may be submitted as a separate document or as an element of the master planning document. Assessment reports may be prepared to cover either the ultimate plan as developed by the study or stages of such development, depending on the independent utility of each stage and the certainty of ultimate development.

34. AIRPORT LOCATION APPROVAL

An airport development aid project for construction or land acquisition may not be approved unless the airport site is approved by the FAA. Federal approval of a proposed site is always preceded by an environmental assessment. If location selection is made as an initial phase of a master planning study, the environmental assessment must take into account enough of the ultimate planned development to assure that, with the best available information, the selection is based upon considerations that the need for and benefits of future development of the site outweigh any adverse environmental impacts.

35. AIR AND WATER QUALITY CERTIFICATION

Section 16(e)(1) of the Airport Act requires that applications for projects involving airport location, runway location, or a major runway extension shall not be approved unless the governor of the state in which the project is located certifies that there is "reasonable assurance" that the project will be located, designed, constructed, and operated in compliance with applicable air and water quality standards. To establish a "reasonable assurance," applicable standards and implementation requirements must have been established and an official designated who has authority to enforce compliance with the standards. When standards have not been approved but applicable standards have been promulgated by the EPA, EPA's approval shall be obtained. Lack of objection to air and water quality considerations as set forth in the environmental impact statement may be construed as EPA approval. While the air and water quality certifications should be included in the final environmental impact statement whenever possible, their inclusion is not a prerequisite to approval of the statement if the statement includes documentation from the governor or appropriate state official indicating a reasonable expectation that the certification will be given. The state's certification or the EPA's approval must be received, however, before the project can be approved by the FAA.

36. ADVISORY ACTIONS

Some Federal actions, such as airspace actions, are of an advisory nature and are neither permissive nor enabling. Actions of this type are not ordinarily major Federal actions, and environmental assessments or statements are not required as a condition for accomplishing the action. If it is known or anticipated that some subsequent Federal action would require processing in accordance with environmental procedures, the advisory action should so indicate.

37. COMPATIBLE LAND-USE ASSURANCE

Section 18(4) of the Airport Act requires an assurance, satisfactory to the Secretary, that appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and take-off of aircraft. FAA officials shall contact the sponsor and representatives of affected communities to encourage the development of compatible land-use controls early in the project planning stage. Appropriate assurances should be included in the environmental impact assessment report to document what is being done by the jurisdiction(s) with land-use control authority. An update on any prior assurances should also be included. For purposes of this order, reasonable assurance occurs when appropriate action has been or will be taken. What constitutes appropriate action depends on the jurisdictional land-use control capability of the sponsor. It is recognized that not all airport sponsors have direct jurisdictional control. However, sponsors are public agencies with a voice in the affairs of the community in which the airport development is undertaken and should be required, as a minimum, to use their best effort to assure proper zoning or other land-use controls near the airport. Depending on the sponsor capability, "appropriate action" could range from extension of such influence to acquisition of land in fee. It is the FAA official's responsibility to determine that appropriate action, constituting reasonable assurance, has been or will be taken.

38. LAND ACQUISITION

Public sponsors may have the authority to acquire land adjacent to existing airports or for new airports without prior approval by the FAA. Such action could prejudice or preclude a favorable decision by the FAA on proposed changes in airport layout or development which would use the land thus acquired or on requests for reimbursement for the property. When FAA is notified or becomes aware of a possibility that such a situation may be occurring, FAA will advise the public sponsor that such actions must be consistent with pertinent environmental policy as expressed in this order, that the manner in which the particular property was acquired will be carefully considered by the FAA prior to approval of any future FAA action involving the property, and that particular attention will be given by the FAA to its responsibilities under DOT Section 4(f) to insure that a special effort is made to preserve the natural beauty of the countryside, public parks and recreation lands, wildlife and waterfowl refuges, and historic sites. Particular attention will also be given by the FAA to actions by a sponsor involving properties on or eligible for inclusion in the National Register of Historic Places as well as the provisions of Title VI of the Civil Rights Act of 1964 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. A sponsor who has acquired land without prior approval by the FAA must demonstrate to the satisfaction of the FAA that his action was consistent with the policies expressed in this order and has not prejudiced full and objective consideration of alternatives or actually precluded possible implementation of a preferable alternative.

39. RELEASES FROM LAND COVENANTS

When a sponsor accepts a Federal airport development grant or conveyance of Federal surplus property for airport purposes, he incurs specific obligations with respect to the uses of the property. FAA action is required to release a sponsor from his obligations in the event he desires to sell any of the airport property. This action requires an appropriate environmental assessment in accordance with the provisions of this order. The assessment must address all known and immediately foreseeable environmental consequences of the release action. In making the finding determination, the responsible Federal official should consider the effects of any covenants which will encumber the title and the extent of Federal ability to enforce these covenants subsequent to the release action. The standard conditions of release relative to the right of flight, including the right to make noise from such activity and the prohibition against erection of obstructions or other actions which would interfere with flight of aircraft over the land released, may be considered as mitigating factors in the environmental assessment, especially as regards noise impacts and land-use compatibility. When the intended use of released land is consistent with uses described and covered in a prior environmental assessment, the prior data and analysis may be used as input to the present assessment. When the conditions as set forth in paragraph 24 apply, a prior finding affirmation may be used to support the property release.

CHAPTER 5. CONTENT OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS AND IMPACT STATEMENTS

40. GENERAL

a. Environmental impact assessment reports are the major source documents for consideration and evaluation of environmental aspects of airport-related decision making and become the primary basis for environmental impact statements and negative declarations. The required information should be presented in an easily understood form and as concisely as possible to permit the responsible official to use it effectively. Illustrations and reproductions should be legible and free of clutter. Review may be facilitated by adhering to typical presentation format. However, it is recognized that environmental factors are often unique to a given project and adherence to a rigid format is not required. Content and format should be geared to the particular action. More attention should be paid to the more significant environmental issues and problems. Less important material may be summarized, consolidated, appended, or simply referenced.

b. Environmental conclusions expressed in the text must be supported by appropriate reference to underlying studies, data sources, or other information considered in the preparation. As a general rule, the body of the document may include brief summaries of supporting data but should not be burdened with highly technical analyses or extensive detail. Such material is more appropriately included in appendices or by reference to separate texts or other literature as needed to support the enviromental assessment. Reference data not attached to the document shall be available to the responsible official or any member of the public upon request.

41. ADD-ON PROCESS FOR ENVIRONMENTAL IMPACT STATEMENTS

Environmental impact statements may be constructed and organized with a view to adding sections in the progressive development of a final environmental impact statement. This add-on process permits responsible officials to examine the resolution of issues that were developed in the review process. The add-on process should not ordinarily be used if responses to substantive comments on the draft require extensive new material or otherwise make the composite statement confusing or difficult to follow. In such cases, the text of the draft should be revised as appropriate for use in the final statement.

42. DESCRIPTION

Each document should begin with a section describing the proposed Federal action, a statement of its purpose, and a description of the environment of the area affected, including any illustrating maps, photographs, and data necessary to adequately describe the action and affected area. Included in this section should be the following specific items:

a. A concise description of the proposed Federal action, its purpose, and contemplated future related actions, including facility installations and procedural actions;

b. Location of the airport;

c. Existing and planned land uses and zoning in the airport-community area, including affected residential areas, public parks, wildlife and waterfowl refuges, wetlands and coastal zones, recreation areas, and historic sites;

d. Nearby schools and places of public assembly, hospitals, shopping areas, and adjacent political jurisdictions affected by the proposed development;

e. Other Federal or federally assisted activities in the affected area related to the proposed action (e.g., highways and other transportation projects, housing development and relocation, etc.), including a description of the interrelationships and cumulative environmental impacts of all related Federal projects in the planning and development stages;

f. Population, growth characteristics, and activity forecasts and assumptions used to justify the project and determine secondary impacts; and

g. A statement indicating how the proposed action conforms to or conflicts with the objectives and specific terms of approved or proposed Federal, state, regional, or local plans, policies, and controls, including comprehensive land-use plans and state Coastal Zone Management programs, if any, for the affected area. Efforts to reconcile any conflicts or inconsistencies should be described and documented.

43. BACKGROUND INFORMATION

A section to describe or discuss background information is often useful to help the reviewer appreciate circumstances related to the proposed action. This section should highlight development and environment actions to date. This section may include such items as bond actions, action by the community or citizen groups pertinent to the proposal, or any other unique factors associated with the project which do not properly belong in another section of the document.

44. PROBABLE IMPACTS

The document shall describe and appraise probable impacts of the proposed action on the human and natural environment. The analyses shall include consideration of beneficial and adverse impacts as well as direct and indirect impacts and shall specify the actions to be taken to minimize those adverse effects that cannot be avoided. The amount of detail presented shall be commensurate with the extent and expected impact of the action. In discussing each of the various impacts, it is important that the present environment be described sufficiently so that the predicted consequences of the action are assessed and understood in relation to the existing situation. Each project shall be examined for the presence of any of the following impacts, not necessarily in the following order:

a. *Noise and Land Use.*

(1) *Applicability.* Noise impacts must be examined when project actions individually or cumulatively involve airport location, runway location, major runway extension, or runway strengthening which would permit operation by larger or noisier jet aircraft.

(2) *Requirements.*

(a) The analysis shall include continuous contours of equal noise exposure using one of the following cumulative noise (or aggregated noise energy) methodologies: Noise Exposure Forecast (NEF), Composite Noise Rating (CNR), Day/Night Level (Ldn), Equivalent Noise Level (Leq), or Community Noise Equivalent Level (CNEL). As a minimum, such contours shall show the boundaries of all areas exposed to noise levels equal to or greater than NEF 30, CNR 100, Ldn 65, or equivalent for present conditions and forecast conditions with and without the proposed project. The effect on noise impacts resulting from other related actions, including installation of navigation aids and air traffic control procedures, shall be considered. The results of coordination and the positions of other affected FAA operating services on these aspects shall be included when applicable.

(b) For noise-sensitive areas identified as existing within the contours identified in (a), additional analysis is required if the proposed action is highly controversial because of noise impacts or if the areas identified will be exposed to jet operations for the first time or if the noise increase is greater than three units (NEF, CNR, Ldn) over that which would be created without the project. Such calculation of difference should include consideration of any noise abatement procedures which exist.

(c) When required by (b), additional analysis shall include information on average duration above 65, 75, 85, 95, 105, and 115 dB(A) for a complete day's operation, for the evening period (7 p.m. to 10 p.m.), and for the night period (10 p.m. to 7 a.m.), for forecast conditions with and without the project. This information may be provided for selected points in intervals of not greater than 3,000 feet.

(3) *Effective Date.* The noise analysis required by (2)(a) shall be included in all environmental impact assessment reports submitted to FAA after the effective date of this order. The additional analysis required by (2)(b) shall be included in all such reports submitted to FAA 12 months after the effective date of this order. All final environmental impact statements submitted to the responsible official for approval action shall contain the analyses required by (2)(a) 12 months after the effective date of this order and by (2)(b) 24 months after this effective date.

(4) *Content.*

(a) The noise analysis shall include sufficient information to permit lay and technical readers to relate noise exposure data to an understanding of its potential effects, including sufficient explanation of the noise descriptor(s) used in the assessment to convey the technical as well as the conceptual significance of the noise measures.

(b) The text and the graphics shall present the principal findings. Detail required to derive the findings shall be included in appendices, with appropriate reference in the text.

(c) The following graphics shall be included:

1 Layout plan of the present, or proposed, airport indicating proposed development.

2 Map(s) of the airport vicinity, including for each condition analyzed: runway location and orientation; present and planned land uses; noise-sensitive areas by type; zoning, property to be acquired, or other land-use controls; and continuous contours of equal noise exposure and related flight tracks superimposed by prominent, legible lines, appropriately labeled.

Aerial photographs, when available, are very helpful in illustrating the relation of the airport to surrounding land uses.

(5) *Analysis.*

(a) The general literature on the effects of noise on man and on recommended land use or exposure criteria varies in depth, breadth, accuracy, and reliability. The use of such information is an effort by the FAA to make the state-of-the-art visible to the public. The use of such information and the level of detail necessary for noise impact assessment will vary with the level of impacts, the extent and nature of noise-sensitive areas affected, and the degree of interest in the project.

(b) For purposes of Section 18(4) of the Airport Act, the noise impact assesment shall include documentation to support the sponsor's assurance that appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.

(c) The analysis shall include clear and concise references to source data, a discussion of noise from other than aircraft operations when the additive effect is significant, and a discussion of any nonstandard data or calculation procedures used in the analysis.

(d) The analysis shall contain a discussion of the noise impact for each identified noise-sensitive area including size and location of residential areas exposed to specified noise levels, numbers of people and schools impacted, and such other information as may be necessary to describe the degree of incompatibility between the noise and existing or planned land uses (e.g., residential neighborhoods; educational, health, and religious structures and sites; and outdoor recreational, cultural, and historic sites).

(e) The analysis shall, to the extent reasonable and based on available literature on the subject, include discussion of potential effects of noise on hearing, communications and sleep interference, and annoyance, both within the context of outdoor activities as well as indoor activities. Consideration shall be given to the amount of acoustical protection provided by construction and architectural characteristics as well as climatological situations which might affect lifestyles and therefore alter the "average" interpretations placed on the effects of noise.

(6) *Records.* The appropriate FAA regional or airports district office shall assure that sufficient information is retained to permit an independent review to recreate the complete noise exposure analysis.

b. *Air Quality.* Air quality should be examined by estimating the pollution impact of the proposed action in terms of existing and forecast operations. Air pollutant concentrations as well as total amounts of pollutants should be estimated and evaluated as necessary for consistency with state implementation plans for air quality under the Clean Air Act and other applicable Federal, state, or local standards. Air pollution effects of increased surface traffic resulting from increased air traffic and enplaned passengers should be estimated and considered when affected by the project. Methods should be proposed or referenced for controlling and minimizing air pollution resulting from construction of the project.

c. *Water Quality.* Water quality requirements, available water resources, and the impact on the existing water table should be considered when appropriate. Problems pertaining to treatment and disposal of wastes should also be considered and evaluated for consistency with applicable standards. Action taken to minimize pollution due to surface runoff, which may include infiltration of polluted runoff, from areas of extensive grading and paving should be discussed, including short-term and long-term effects of construction upon area drainage and aquifers.

d. *Social Impacts.* Social and community impacts may occur as a consequence of some proposed project. When these impacts include displacement of people and businesses and/or disruption of established communities, the following information should be included in the document for the purpose of establishing that relocation can be managed. This information may need to be obtained from secondary sources and community sources.

(1) An estimate of numbers and family characteristics of households to be displaced (e.g., minorities, income levels, renter or owner, elderly, large families).

(2) Effects of surface traffic disruption including effects on access to community facilities, recreation areas, and places of residence and business.

(3) Impact on the neighborhood and housing to which relocation is likely to take place.

(4) A description of businesses to be displaced and general effects of business dislocation on the economy of the community.

(5) Ability to provide adequate relocation housing for the types of families to be displaced and a description of actions proposed to remedy any insufficiency, including, if necessary, housing of last resort, as authorized by Section 206(a) of the Uniform Relocation and Real Property Acquisition Policies Act of 1970.

(6) Results of consultation with local officials, relocation or other social agencies, and community groups regarding the impacts. (A description of special relocation advisory services to be provided, if any, for the elderly, handicapped, or illiterate regarding interpretation of benefits and other assistance available.)

e. *Induced Socioeconomic Impacts.* The location or expansion of an airport may produce significant secondary socioeconomic impacts on the community. These impacts may include shifts in the patterns of population movement and growth, public service demands, and changes in business and economic activity. The effects of these impacts should be estimated and discussed.

f. *DOT Section 4(f).* It is necessary to identify publicly owned parks, recreation areas, wildlife and waterfowl refuges, and public or privately owned historic sites of local, state, or national significance affected by the proposed action. DOT Section 4(f) is applicable to the physical taking or other use of land so identified. The description of the land should include size, activities, patronage, access changes, unique or irreplaceable qualities, and relationship to other similarly used lands in the vicinity.

(1) When there is an actual physical taking of Section 4(f) land in conjunction with the proposed action, there is no latitude for judgment regarding Section 4(f) applicability. When there is no physical taking but there is the possibility of use of Section 4(f) land, the FAA must determine if the activity associated with the proposed action conflicts with or is compatible with the normal activity associated with this land. The proposed action is compatible if it would not affect the normal activity or aesthetic value of a public park, recreation area, refuge, or historic site. When so construed, the action would not constitute use and would not, therefore, invoke DOT Section 4(f).

(2) Any part of a publicly owned park, recreation area, refuge, or historic site is presumed to be significant unless there is a statement of insignificance relative to the whole park by the Federal, state, or local official having jurisdiction thereof. Any such statement of insignificance is subject to review.

(3) Where Federal lands are administered for multiple uses, the Federal official having jurisdiction over the lands shall determine whether the subject lands are in fact being used for park, recreation, wildlife, waterfowl, or historic purposes.

(4) Where property is owned by and currently designated for use by a transportation agency and a park or recreation use of the land is being made only on an interim basis, a Section 4(f) determination would not ordinarily be required.

(5) Where the use of a property is changed by a state or local agency from a Section 4(f) type use to a transportation use in anticipation of a request for FAA approval, Section 4(f) should be considered to apply, even though the change in use may have taken place prior to the request for approval or prior to any FAA action on the matter. This is especially true where the change in use appears to have been undertaken in an effort to avoid the application of Section 4(f).

(6) The physical taking or detrimental use of Section 4(f) land must be avoided if there is a feasible and prudent alternative, as described in paragraph 30.

(7) If there is no feasible and prudent alternative to the use of such land, include a statement of actions taken or to be taken to minimize harm to the protected area including replacement of land and facilities and design measures such as planting or screening to mitigate any adverse effects. Replacement satisfactory to the Secretary of the Interior is specifically required for recreation lands aided by the Department of the Interior's Land and Water Conservation Fund and for certain other lands falling under the jurisdiction of the Department of the Interior. Include evidence of concurrence or efforts to obtain concurrence of appropriate officials having jurisdiction over such land regarding actions proposed to minimize harm.

(8) If land is involved which was acquired with Federal grant money (i.e., open space under Department of Housing and Urban Development; various conservation programs under Department of the Interior), the final documentation shall include appropriate communication with the grantor agency.

(9) Whether or not Federal agency lands are involved, the documentation shall reflect consultation with the Department of the Interior and, as pertinent, the Department of Housing and Urban Development or the Department of Agriculture, pursuant to the requirements of Section 4(f).

g. *Historical and Archaeological Sites.* The document should specify actions to be taken to preserve and enhance districts, sites, buildings, structures, and objects of historical, architectural, archaeological, or cultural significance affected by the project.

(1) By use of the National Register and National Register Criteria (36 C.F.R. Parts 60 and 800, published in the Federal Register on February 10, 1976), the document should identify properties that may be affected by the project that are included in or eligible for inclusion in the National Register of Historic Places. The National Register is published in its entirety each February in the Federal Register. Monthly additions and listings of eligible properties are published in the Federal Register the first Tuesday of each month. The Secretary of Interior will advise, upon request, whether properties are eligible for the National Register.

(2) If application of the Advisory Council on Historic Preservation's (ACHP) Criteria of Effect (36 C.F.R. Part 800) indicates that the project will have an effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the document should state the effect. The effect should be evaluated in consultation with the State Historic Preservation Officer (SHPO), in accordance with the ACHP's Criteria of Adverse Effect (36 C.F.R. aPrt 800).

(3) A determination of no adverse effect should be documented with evidence of the application of the ACHP's Criteria of Adverse Effect, the views of the appropriate SHPO, and review of the determination by the ACHP.

(4) If the project will have an adverse effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the final environmental impact statement must include either an executed Memorandum of Agreement or comments from the ACHP and an account of actions to be taken in response to the comments of the ACHP. Procedures for obtaining a Memorandum of Agreement and the comments of the Council are found in 36 C.F.R. Part 800.

(5) To determine whether the project will have an effect on properties of state or local historical, architectural, archaeological, or cultural significance that are not included in or eligible for inclusion in the National Register, the responsible official should consult with the SHPO, with the local official having jurisdiction of the property, and where appropriate, with historical societies, museums, or academic institutions having expertise with regard to the property. Use of land from historic properties of Federal, state, and local significance as determined by the official having jurisdiction thereof involves Section 4(f) of the DOT Act and the document should include information necessary to support a Section 4(f) determination.

(6) The FAA has an agreement with the Department of the Interior for assuring compliance with the Archaeological and Historic Preservation Act of 1974, relative to mitigation of damage to archaeological and historic data incident to construction activities of FAA or FAA assisted projects. Preliminary surveys to identify the location of these cultural resources may be necessary in those cases where there is a reason to believe that such resources may exist and may be destroyed by the project and where such surveys have not yet been accomplished. The SHPO should be consulted to ascertain the need for any preliminary survey, including justification for such survey, and also to evaluate the significance of any cultural resources affected. Evidence of coordination with the SHPO should be included in the document. In addition, any identified irreplaceable loss or destruction of significant scientific, prehistorical, historical, or archaeological data shall be identified in the document with evidence of notice provided to the Secretary of Interior and measures described that will insure the recovery, protection, and preservation of such data, including preliminary survey, salvage, or other investigations appropriate to the case.

h. *Flood Hazard Evaluation.* When a project under consideration encroaches on a flood plan, the document should include evidence that studies have been made and evidence that consultations with agencies with expertise have been carried out. In compliance with Executive Order 11296 and Flood Hazard Guidelines for Federal Executive Agencies, promulgated by the Water Resources Council, the document shall describe measures necessary to handle flood hazard problems, including, when appropriate, measures to be taken during construction.

i. *Considerations Relating to Wetlands or Coastal Zones.* Where wetlands (including control, modification, impoundment, diversion, and channel deepening of streams or other bodies of water) or coastal zones are involved, the document should include:

(1) Information on location, types, and extent of wetlands areas that might be affected by the proposed action.

(2) An assessment of the impacts resulting from both construction and operation of the project on the wetlands and associated wildlife, and a statement of the measures to be taken to preserve, protect, and enhance wetlands and to avoid, to the fullest extent practical, drainage, filling, or interference with wetlands or the water resources supplying them.

(3) Statements by the local representative of the Department of the Interior, the Department of Commerce, the Corps of Engineers, and any other officials with special expertise concerning the impacts of the project on the wetlands, the worth of the particular wetlands area involved to the community and to the Nation, and recommending whether the proposed action should proceed and upon what conditions, if any.

(4) Information necessary to support a DOT Section 4(f) determination if the wetlands or coastal zones come under any of the 4(f) categories of publicly owned land of state, local, or national significance as determined by the officials having jurisdiction thereof. Wetlands subject to a publicly owned protective easement for provision of feed and nesting to migratory waterfowl are considered to be publicly owned land from a wildlife and waterfowl refuge under Section 4(f).

j. *Coastal Zone Management Programs.* Where the proposed action is within or may affect the land or water uses in the area covered or which may be covered by a state coastal zone management program, the document shall include evidence of consultation with the state coastal zone management agency. If a state coastal zone management program has been approved by the Department of Commerce, the document shall include the following:

(1) A determination as to consistency with the approved state coastal zone management program, including a record of coordination as specified in the Coastal Zone Management Act. Federal agencies are to insure consistency with state programs, to the fullest extent practicable.

(2) If it is determined that the proposed project is inconsistent with the state's approved program, the responsible official shall not approve the action except upon a finding by the Secretary of Commerce that the proposed action is consistent with the purposes or objectives of the Coastal Zone Management Act or necessary in the interest of national security. The document shall include this finding, where warranted.

k. *Energy Supply and Natural Resources Development.* Where applicable, the document should reflect consideration of whether the project will have any effect on either the production or consumption of energy and other natural resources and discuss such effects if they are significant.

l. *Construction Impacts.* In general, adverse impacts during construction will be of less importance than long-term impacts of a proposal. Nonetheless, the document should appropriately address such matters as the following, identifying any special problem areas.

(1) Noise impacts from construction or delivery of materials through residential areas and any specifications providing maximum noise levels.

(2) Disposal of spoil and effect on borrow areas and disposal sites (include reference to pertinent specifications).

(3) Controls on air pollution from dust, burning, etc. (with reference to pertinent specifications or advisory circulars).

(4) Impacts on water quality from runoff and associated sedimentation and control measures (referencing specifications or advisory circulars).

m. *Wildlife and Waterfowl.* In considering the effects of the project upon wildlife, it should be assumed that, although displaced wildlife may move to adjacent land areas, a long-term loss will accrue by virtue of reduction of the wildlife carrying capacity. Where part of a wildlife habitat is removed, the possibility that the remaining habitat is insufficient in size and quality to continue to support all resident species should be addressed. Any long-term losses may be described in general terms unless an endangered or threatened species is involved.

n. *Impacts Relating to Endangered and Threatened Species of Fauna and Flora.* The document should include evidence that the proposed action will not jeopardize the continued existence of endangered or threatened species or result in the destruction or modification of critical habitat of these species.

(1) If any species listed by the Department of the Interior as endangered or threatened exist in the area of the proposed action's potential impact, the document should provide evidence of consultation with the Regional Director of the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), as appropriate, regarding the impacts of the action on the species. The Fish and Wildlife Service, Department of the Interior, is responsible for protection of terrestrial and fresh water species; the National Marine Fisheries Service, Department of Commerce, is responsible for protection of marine species.

(2) The document should describe the anticipated effects of the proposed action and alternatives to the action on listed species, the nature of the listed species' habitat, and whether that habitat has been determined to be critical by the FWS or NMFS.

(3) The final document should summarize the results of consultation with FWS or NMFS and indicate any specific measures, including possible design or location alternatives, which will be taken to conserve listed species and to avoid destruction or modification of critical habitat.

o. *Light Emissions.* Aviation lighting required for the purposes of security, obstruction clearance, and navigational guidance may create an annoyance among people in the vicinity of the installation. In this instance, documentation shall include:

(1) Site location with a diagram of lights or light systems.

(2) Description of lights, as to their purpose, installation, beam angle and measurements, intensity, color, flashing sequence, and other pertinent characteristics of the particular system and its use.

(3) Measures to lessen any annoyance, such as shielding or angular adjustments.

45. ACTIONS TO MINIMIZE UNAVOIDABLE ADVERSE EFFECTS

Actions to be taken to minimize adverse environmental effects that cannot be avoided should be included in the discussion of each applicable impact category. The document should summarize these actions.

46. ALTERNATIVES

The document must evaluate thoroughly and objectively the environmental impact of all reasonable project alternatives, particularly those which would mitigate environmental impacts. To the extent that the impacts of alternatives are of the same type and significance, the effects should be stated and compared with the proposed action, and the reasons given why the alternatives are rejected. The analysis of the environmental benefits, costs, and risks must be sufficient to show that an alternative that might enhance environmental quality or have a less detrimental effect has not been prematurely rejected or foreclosed. Rejection of the alternative of taking no action or postponing action pending further study must be supported by a detailed examination of the need for the project and the consequences of taking no action. When appropriate, satisfying the increased transportation needs by using other modes of transportation should be considered. Further discussion on assessing alternatives is contained in paragraph 30.

47. RELATIONSHIP BETWEEN SHORT-TERM USES OF MAN'S ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

The document must examine the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term losses or long-term gains at the expense of short-term losses and the extent to which the proposed action forecloses or broadens future options.

48. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

The document must examine the extent to which the proposed action would irreversibly and irretrievably curtail the range of beneficial uses of the environment including cultural as well as natural resources. If new, unusual, or limited sources or types of materials are involved in a project, a quantitative estimate and description should be included. Normally, labor and materials required to accomplish an airport development project do not significantly curtail the range of beneficial uses of the environment. Depletion of materials in short supply or significant irreversible changes in natural and cultural resources should be covered in this section.

49. CITIZEN INVOLVEMENT

A summary of citizen involvement and the holding of public hearings and meetings and any environmental issues raised should be documented with appropriate responses to the issues. Documentation of the public notice requirements for public hearings as covered in paragraph 57c shall be included, together with a summary or transcript of any public hearing held.

50. SUMMARY OF IMPACTS

It is generally desirable, especially for complex actions, to include in the document a summary of the significant points developed.

51.–53. RESERVED

Chapter 6. Sponsor Processing and Coordination

54. CONSULTATION WITH FAA

The environmental process begins at the local level with the airport sponsor. A summary of the process is contained in Appendix 3. Early consultation between FAA and the airport sponsor and/or his consultant is necessary to review the various factors and the coordination process required in conjunction with the environmental assessment, including the following factors:

a. Environmental action choices,

b. Key decision-making issues,

c. Alternatives,

d. Environmental assessment criteria,

e. Project schedule considerations,

f. Public involvement, including public notice,

g. Required coordination,

h. Reproduction and publication requirements, and

i. Follow-on assistance.

55. EARLY COORDINATION

In choosing among alternatives to accomplish the project objective, environmental factors require the same consideration as economic, technical, or other factors. Consequently, in developing the details of proposed alternatives, environmental feasibility should influence choices, along with economic and technical feasibility. Early coordination with appropriate Federal, state, and local agencies and with the community in the environmental assessment process will assist this consideration. Such coordination should be initiated as appropriate during the initial description and evaluation of alternatives, and continue during the development of the preliminary environmental impact assessment report, prior to the formal coordination that takes place during the A-95 review process. Early coordination can serve a number of purposes. It is an aid in the identification of environmental impacts and can help trigger advance planning of measures to mitigate environmental effects, including changes in project design. The community can be provided with timely information and have its opinions heard at the earliest formative stage of the project, which may avoid serious controversy later on. The amount of early coordination advisable will depend on the complexity, sensitivity, and anticipated environmental impacts of the proposed action. Information received during early coordintion should be used in the environmental impact assessment report.

56. A-95 REVIEW

a. Review of proposed airport development actions by state and local government organizations routinely occurs through procedures set forth in the Office of Management and Budget (OMB) Circular No. A-95 (Revised). The purpose of the A-95 clearinghouse process is to assure that proposed federally assisted programs and projects are reviewed and evaluated in advance in terms of their potential impact on or conflict with statewide or areawide comprehensive planning or upon the plans and programs of local governments.

b. The A-95 clearinghouse process for projects is set forth in Order 5100.17, Airport Development Aid Program (ADAP), Authority, Program Policy, Eligibility and Allowability Criteria (Book I).

c. Under A-95 procedures, sponsors are required to notify the appropriate clearinghouses as soon as project planning has developed in sufficient detail to inform the clearinghouses of the nature and scope of the development proposed to be undertaken for which Federal assistance will be sought. This should take place at least 60 days prior to the date the sponsor submits its preapplication form requesting Federal assistance.

d. During the initial clearinghouse review period, the preapplication for Federal aid may be completed. This period may also be used to complete the requirement for public hearings, if applicable. The A-95 procedure includes provision for consideration of the project's probable impact on the environment and input from areawide and local agencies authorized to develop and enforce environmental standards or which have expertise or jurisdiction with respect to environmental impacts. An appropriate vehicle to solicit such input is the preliminary environmental impact assessment report.

e. The clearinghouse should be asked to inform known interested groups of the project. If either the sponsor or FAA has knowledge of such groups, this information should be given to the clearinghouse. During this same period, the clearinghouse may act as liaison between the agencies affected and the sponsor, arranging meetings and such other forms of consultation as may be necessary to work towards resolution of any problem raised by the proposed project.

f. The comments and recommendations received through the A-95 clearinghouse process become input to the sponsor's environmental impact assessment report and ultimately must be reported and appropriately addressed in the FAA's environmental documentation.

57. PUBLIC HEARING

a. If a new airport location, a new runway, or an extension of an existing runway is involved, the sponsor must afford the opportunity for public hearings as required by Section 16(d)(1) of the Airport Act. The public hearing opportunity should normally be afforded prior to formal submission of a sponsor's environmental impact assessment report.

b. In deciding whether a public hearing is appropriate in other cases, the FAA and sponsor should consider the following:

(1) The magnitude of the proposal in terms of environmental impact, economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved;

(2) The degree of interest in the proposal as evidenced by requests from the public and from Federal state, and local authorities that a hearing be held;

(3) The complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under the Act; and

(4) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action.

c. In preparing for a public hearing, the sponsor is required to comply with the requirements in Section 152.73 of the Federal Aviation Regulations, including adequate public notice of:

(1) The intent to undertake the proposed airport development, with a concise description of the proposed development;

(2) The opportunity for a public hearing;

(3) The scheduling of a public hearing (time, date, and place), if requested by interested parties; and

(4) The availability and location of the preliminary environmental impact assessment report.

Notice of the hearing is required to be published in an areawide or local newspaper of general circulation.

d. Additional information concerning the public hearing is contained in Advisory Circular 150/5100-7A. Hearings may be held by the sponsor simultaneously with the A-95 review process. The preliminary environmental impact assessment report is to be made available for public examination at least 30 days prior to the hearing and so noted in the hearing notification. Comments received through the A-95 process should be made available at the public hearing if the A-95 process has been completed. Copies of preliminary environmental impact assessment reports should be made available for review in accordance with anticipated public interest at convenient locations such as libraries, city halls, schools, and the airport manager's office. Consideration should be given to providing copies of assessment reports to interested persons or organizations without cost or at a price commensurate with the cost of reproduction and printing.

58. FAA SUBMISSION

Upon completion of local and state review, an environmental impact assessment report shall be submitted by the sponsor to the FAA. It shall include comments and recommendations made by or through the A-95 clearinghouse, a detailed summary of environmental issues developed in public hearings, and responses to comments on the preliminary environmental impact assessment report. This preliminary report shall be revised to the extent that the revision represents an appropriate response to comments received during the review process. The A-95 review process and public hearing need not be repeated if the preliminary assessment report effectively served its purpose as the vehicle for review. At least one copy of the transcript of public hearings must be obtained by the sponsor for his record. The sponsor must furnish a copy of the transcript to FAA upon request. The number of copies of documentation submitted to the FAA should be determined by consultation with the FAA and should include a copy designated as a reproducible master which should be of good quality.

59. RESERVED

CHAPTER 7. FAA PROCESSING AND APPROVAL OF FULLY COORDINATED NEPA SECTION 102(2)(C) ACTIONS

60. GENERAL

a. This section applies to proposed Federal actions requiring an environmental impact statement. The FAA is responsible for evaluation and resolution of environmental issues included in the impact statements. In order to insure accurate descriptions and environmental assessments, site visits by FAA personnel should be made whenever practical.

b. Documentation developed in the local and state review process may be incorporated into the FAA's draft statement. If the FAA is the proponent of the proposed action, local and state review may be initiated simultaneously with the Federal review. Steps will be taken to secure such additional information as needed to insure that the draft statement is adequate for intergovernmental coordination. The Federal review process does not constitute an agency commitment to approve the proposed action.

c. Draft environmental impact statements shall be reviewed by affected FAA program divisions and staff officers at the regional level prior to filing or public review. This internal review is to assure that related foreseeable agency actions by other FAA elements are properly covered in the draft statement and are coordinated with the appropriate action office so that commitments which are the responsibility of other divisions or offices will be carried out.

d. Copies of the draft statements shall be made available to organizations and individuals at no charge to the extent practical or at a fee commensurate with the cost of reproducing copies for the required intergovernmental coordination.

e. In addition to the data from the environmental impact assessment report and other documentation developed in the local and state review, draft statements shall contain the following:

(1) Each statement shall indicate the organization involved and the public law applicable to the proposed action. For example:

Department of Transportation
Federal Aviation Administration

Draft Environmental Impact Statement

This statement is submitted for review pursuant to the following public law requirements: Section 102(2)(C) of P.L. 91-190, 42 U.S.C. 4321; Section 16(c)(4) of P.L. 91-258; Section 4(f) of P.L. 90-495.

(2) Each draft statement shall be prefaced by a summary in the format shown in Appendix 1 of this order.

(3) Pursuant to the January 9, 1973, memorandum for heads of departments and agencies from the Director, OMB, and the Chairman, Council on Environmental Quality (CEQ), on the subject of state and local review of impact statements, all comments on the environmental effects of the project received through the A-95 process, either by the clearinghouse or by state and local environmental agencies through the clearinghouse, must be enclosed with the draft impact statement. All substantive comments received from individuals and responses thereto and either a summary or transcript of any public hearing will also be made a part of the draft statement. Copies of the draft statement are to be sent to each agency making such comments. These agencies may elect to comment again, depending in part on the extent to which their earlier comments were considered in preparing the draft statement. Review of the draft statement may be secured through the clearinghouse or directly with the state and local agencies involved. In some states, the governor may have designated a specific agency, other than the clearinghouse, to secure review of the impact statements. In any case, copies of the draft statement should be sent to the clearinghouses and to affected cities and counties. A time limit for review commensurate with that for Federal review may be established and should be specified in the transmittal.

61. DISTRIBUTION FOR FEDERAL REVIEW

a. *Distribution for Headquarters' Review and to CEQ.* Six copies of the draft environmental impact statement including the A-95 comments and the summary sheet are to be forwarded to the Office of Airports Programs (Attention: AAP-400) which shall be responsible for further distribution within the FAA and DOT. Regions shall send five copies of the draft statement directly to CEQ, addressed as follows:

General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

Agencies commenting on the draft statement are required to file copies of their comments directly with CEQ as well as with FAA per Section 1500.11(a) of CEQ Guidelines issued August 1, 1973, (40 CFR 1500). These comments are to accompany and become a part of the final environmental impact statement.

b. *Intergovernmental Coordination.*

(1) Agencies consulted by the FAA in connection with preparation of environmental impact statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved," or which are "authorized to develop and enforce environmental standards." These Federal agencies include components of (depending on the aspect or aspects of the environment involved):

Environmental Protection Agency
Department of Agriculture
Department of Commerce
Department of Defense
Department of Health, Education, and Welfare
Department of Housing and Urban Development
Department of the Interior
Department of Transportation
Energy Resources Development Administration
Advisory Council on Historic Preservation
Federal Energy Administration (five copies)

(2) For action specifically affecting the environment within their regional jurisdictions, the following Federal agencies are also to be consulted:

National Capital Planning Commission
Delaware River Basin Commission
Tennessee Valley Authority
Appalachian Regional Commission
Susquehanna River Basin Commission

(3) Airports regional offices shall determine which of the above agencies to consult. (Guidance is contained in Appendix 7 of Order 1050.1B.) In seeking comment, FAA airports regional offices may establish a time limit of not less than 45 days for reply after which, if no comments are received, it may be presumed that the agency consulted has no comments to make. Fifteen-day extensions should normally be granted when requested by other agencies. Time limits should take into account the magnitude and complexity of the statement and degree of public interest in the project.

(4) All draft Section 102(2)(C) statements will be coordinated with the appropriate regional offices of other Federal agencies having the necessary expertise or jurisdiction, except that statements to be coordinated with any component of DOI or the Department of Commerce (DOC) shall be sent directly to the Washington headquarters of these departments (see paragraph 61b(6) below). Appendix 7 of Order 1050.1B contains the adresses of the Federal agency offices.

(5) Five copies of draft statements shall be sent to the appropriate regional office of EPA. Comments from EPA are categorized according to the following criteria:

The impact is rated by EPA as follows: LO—Lack of Objections, ER—Environmental Reservations, or EU—Environmentally Unsatisfactory.

The statement adequacy is categorized by EPA as: 1—Adequate, 2—Insufficient Information, or 3—Inadequate.

Further explanation of these codes is contained in Appendix 8 of Order 1050.1B.

All EPA comments on the draft statement are sent to cognizant FAA offices and will be available to the public.

(6) All draft Section 102(2)(C) environmental statements needing DOI and/or DOC review should be sent directly to:

Assistant Secretary—Program Policy, Attention: Director, Environmental Project Review, Department of the Interior, Washington, D.C. 20240.

and/or

Office of the Deputy Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Washington, D.C. 20230.

When Section 16(c)(4) of the Airport Act and/or Section 4(f) of the DOT Act are involved, it is especially important to note this fact in the heading and in the transmittal to DOI to assure completeness of their review. The number of copies to be furnished DOI for its intradepartmental use to facilitate orderly and timely review by its several bureaus and offices is as follows:

(a) Twelve copies for projects in each state except those listed in (b) and (c) below.

(b) Thirteen copies for projects in North and South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

(c) Fourteen copies for projects in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

For projects involving Section 4(f) of the DOT Act, no additional copies are required. However, DOI routinely requires 60 days to review Section 4(f) statements. Nothing in this order is intended to preclude sending of preliminary statements or engaging in other forms of consultation with field offices of DOI for technical assistance or advance information for the purpose of effecting improved coordination.

(7) CEQ publishes weekly in the Federal Register a list of environmental statements received during the preceding week. On draft statements, this date of publication normally determines the beginning of the 90-day minimum period for fully coordinated Section 102(2)(C) statements before which no administrative action to commit the project can take place.

(8) An amendment or supplement may be filed with CEQ by the FAA on a draft or final environmental impact statement. In such a case, AAP-400 should consult with AGC and TES concerning the possible need for or desirability of filing an amendment or supplement or recirculation of the revised statement for an appropriate period.

62 PUBLIC NOTICE

a. Each regional office shall formulate a system for announcing that a draft environmental impact statement has been prepared and is being circulated for intergovernmental coordination and that comments are being solicited on the environmental impact of the proposed project. The announcement shall be made through the appropriate media in the area affected and in cooperation with the sponsor of the project. Information on availability of the statement shall be contained in the announcement. Copies of the draft environmental statement should be sent to parties with a known interest in the proposed project. In addition to FAA regional and district offices, the statement shall be made available for review at the sponsor's office, local public libraries, and at other appropriate locations of general public access. The regional office may call upon the regional public affairs office to assist in publicizing the status and availability of impact statements.

b. Three additional copies of draft statements involving controversial projects should ordinarily be provided to the Office of Airports Programs, Attention: AAP-400.

c. A number of extra copies of draft statements should be provided free of charge or at a fee commensurate with the cost of reproduction when projects are expected to generate unusual public interest.

63. PREPARATION AND REVIEW OF FINAL IMPACT STATEMENT

a. Content of the final environmental impact statement normally includes the draft statement and any additional documentation developed in the Federal review as well as the information listed below. However, if the complexity of the issues and comments are such that a complete revision of the text of the statement would best respond to the environmental considerations, the final statement may be a rewritten document which integrates the responses to comments on the draft statement within the final text. Documentation in the final statement shall include:

(1) The Federal Finding signed by the responsible official which will normally be the first document in the final statement package. The Federal Finding may be incorporated in the environmental decision memorandum.

(2) The summary required by CEQ Guidelines.

(3) The body of the environmental impact statement titled at the top of the first page as indicated in paragraph 60e(1). The text shall refer to the documents containing the required consultation and assurances.

(a) For all airport development there shall be evidence to support the following ADAP grant assurances as required by the Airport Act.

1 The project is reasonably consistent with existing plans of planning agencies for development of the area (Section 16(c)(1)(a));

2 Fair consideration has been given to the interest of communities in or near the project location (Section 16(c)(3));

3 Appropriate action has been or will be taken to restrict, to the extent reasonable, the use of land in the vicinity of the airport to purposes compatible with airport operations (Section 18(4));

4 Appropriate air and water quality certificates have been or will be obtained (Section 16(e)).

(b) For projects involving an airport location, runway location, or major runway extension pursuant to Section 16(c)(4) of the Airport Act, there shall be evidence to support a conclusion that:

1 There is no feasible and prudent alternative, and

2 All possible steps have been taken to minimize adverse effects.

(c) For projects involving the use of lands subject to Section 4(f) of the DOT Act, there shall be evidence to support a conclusion that:

1 There is no feasible and prudent alternative to the use of such land, and

2 The project includes all possible planning to minimize harm to such lands resulting from such use.

(d) For projects involving the displacement and relocation of people, there shall be evidence to support assurances that:

1 Fair and reasonable relocation payments and assistance have been or will be provided pursuant to provisions in Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

2 Comparable decent, safe, and sanitary dwellings are available or will be built if necessary prior to actual displacement.

(e) For all projects, there shall be evidence of the consultation and coordination (as described under paragraph 44) that is required for each applicable area of environmental consideration, including documentation that such consultation has been taken into account.

(4) All substantive comments received on the proposal shall be included in the final statement. If the statement has not been revised since the draft stage, each comment shall be listed and followed by appropriate response or reference to where the subject is covered in the statement. For revised final statements, comments may be dealt with in the body of the statement. Copies of all substantive commenting letters shall also be included. Any unresolved environmental issues and efforts to resolve them, through further consultation or otherwise, should be identified and discussed in the statement. For instance, where an agency comments that the statement has inadequate analysis or that the agency has reservations concerning the impacts or believes the impacts are too adverse for approval, either the issue should be resolved or the final statement should reflect efforts to resolve the issue and set forth any action that will result.

b. The distribution of the proposed final environmental impact statement shall be accomplished in one of the following ways:

(1) When approval authority is retained by headquarters, five copies of the proposed final environmental impact statement, including the summary sheet and the Federal Finding, and containing copies of and responses to comments by other Federal agencies and other organizations or individuals who have commented on the draft, are to be forwarded to AAP-400 for final action. (If the project has generated public interest, a check should be made with AAP-400 to determine if extra copies are needed.)

(2) When approval authority is delegated to the Regional Director and concurrence by headquarters is requested, two copies are to be forwarded to AAP-400 for action.

64. APPROVAL OF FINAL IMPACT STATEMENT

a. *General.* The decision to implement an airport project is made subsequent to the approval of the final environmental impact statement. This decision to implement occurs when the appropriate official reviews all project requirements and determines that an action can and should be taken. Project approval and issuance of the grant offer, therefore, follow review and approval of the environmental impact statement and are usually the actions for which the statement is prepared.

b. *Legal Review.* All Section 102(2)(C) environmental impact statements shall be reviewed for legal sufficiency by the Chief Counsel (AGC) or his designee. Statements involving Section 4(f) of the DOT Act shall be reviewed by headquarters' legal counsel.

c. *Delegation of Authority.* Final approval authority on environmental impact statements for airport development projects has been delegated to the FAA but subject to prior concurrence by the Assistant Secretary for Environment, Safety, and Consumer Affairs (TES) for projects in the following categories:

(1) Any new airport serving a metropolitan area (construed as an SMSA unless specifically directed otherwise).

(2) Any new runway or runway extension for an airport, any part of which is located in an SMSA and is either certificated under Section 612 of the Federal Aviation Act of 1958, as amended, or used by large aircraft (except helicopters) of commercial operators.

(3) Any project to which a Federal, state, or local governmental agency has expressed opposition on environmental grounds.

(4) Any project for which TES requests an opportunity to review and concur in the final statement, or for which FAA requests such review and concurrence by TES.

(5) Any projects in the above categories which also fall under Section 4(f) of the DOT Act will also require concurrence by the DOT Office of the General Counsel (TGC).

The Assistant Administrator, Office of Airports Programs, has final impact statement approval authority for any project in categories (1) through (4) above, subject to prior review for legal sufficiency by AGC and concurrence by TES and TGC as required. All other Section 102(2)(C) actions may be approved by the regional director, after review for legal sufficiency by regional counsel and subject to concurrence by the Assistant Administrator, Office of Airports Programs, and AGC, when such concurrence is requested upon headquarters' review of the draft statement or when requested by the regional director.

d. *Headquarters' Review.* When final approval of an environmental statement is retained in headquarters, the headquarters coordination is initiated when statements are received in the Office of Airports Programs. Copies are forwarded by AAP-400 to AEQ, AGC for review for legal sufficiency, and then to appropriate elements of OST when required for review and concurrence with a request for response within 15 to 30 days depending upon the complexity of the statement. Following headquarters' review, the statement is revised as necessary or additional information may be added. The statement, with any comment, is then submitted to the Assistant Administrator, Office of Airports Programs, for approval.

e. *Federal Finding.* Each final environmental impact statement must contain a Federal Finding signed by the responsible official with appropriate concurrences as discussed above. The Finding must be appropriate for the proposed action. For projects that meet the conditions set forth by all applicable environmental laws, guidelines, and procedures, a Finding that approximates the following is usually sufficient:

"After careful and thorough consideration of the facts contained herein and following consideration of the views of those Federal agencies having jurisdiction by law or special expertise with respect to the environmental impacts described, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101(a) of the National Environmental Policy Act of 1969."

When appropriate for Section 16(c)(4) of the Airport Act (and/or Section 4(f) of the DOT Act) the Finding shall also include the following:

"It is also determined that there is no feasible and prudent alternative to the proposed action (and/or to use of lands covered by Section 4(f) of the Department of Transportation Act of 1966, as amended); and further, the proposed action includes all possible steps to minimize any adverse effects (and/or all possible planning to minimize harm to such lands)."

In all instances, continue with the following:

"Having met all relevant requirements for environmental consideration and consultation, the proposed action is authorized to be taken at such time as other requirements have been met and subsequent to expiration of waiting periods established to inform CEQ and the public of this action."

65. FINAL DISTRIBUTION AND NOTIFICATION

a. *General.* Distribution of final environmental impact statements to EPA, other agencies and organizations, CEQ, and the public should, insofar as possible, be simultaneous so as to avoid unnecessary inquiries and insure that all interested parties have a fair opportunity to review the documentation. The implementing administrative action for the project can take place no sooner than 30 days after the release date, which is the last of the following three notification actions—the date of the statement was filed with CEQ or was provided to the commenting agencies or was made available to the public.

b. *Distribution to EPA.* The FAA regional office preparing the final environmental impact statement shall forward to EPA one copy of the final statement if it was categorized LO-1. Otherwise, five copies shall be sent to EPA. In the event that EPA has comments on a final impact statement, the FAA regional office shall make every reasonable effort to resolve any conflicting issues. If the issues cannot be resolved, the matter shall be referred to AAP-400.

c. *Other Distribution by the Region.* A copy of the final environmental impact statement shall also be sent to each Federal, state, and local agency and private organizations which made substantial comments on the draft statement and to individuals who requested a copy of the final statement or who made substantive comment on the draft. The sponsor of the project shall also be sent a copy as well as the appropriate state and areawide clearinghouses unless otherwise designated by the governor. When the number of commentors is such that distribution in arrangements shall be made after consultation with CEQ and DOT through AAP–400.

d. *Distribution to CEQ*. The region will distribute to CEQ the required five copies of final statements. The region will forward the copies directly to:

General Counsel, Council on Environmental
Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

A copy of the transmittal shall be sent to AAP–400 for information.

e. *Distribution to AEQ*. The region will send one copy to AEQ–1 for information and for ultimate transmission by AEQ to the DOT Library.

f. *Availability to Public*.

(1) Additional copies shall also be made available by the region to the public for review by distribution to appropriate locations accessible to the general public.

(2) The availability of the final statement shall be announced in the appropriate local media in a manner similar to the announcement method for the draft environmental impact statement.

66. IMPLEMENTATION OF ENVIRONMENTAL COMMITMENTS

Steps will be taken through funding agreements, contract plans and specifications, and other appropriate follow-up actions to assure that representations made in the environmental documentation with respect to mitigation of environmental impacts will be carried out. Any proposed deviation from prescribed action that may reduce protection to the environment must be reviewed at the same level at which the initial environmental approval was given. The proposed deviation shall be reviewed by TES, if TES concurred in the initial approval.

67.–69. RESERVED

Chapter 8. FAA Processing and Approval to Change a Draft Environmental Impact Statement to a Negative Declaration

70. GENERAL

a. If there is some doubt as to the potential of an action for significant impact, early consultation with appropriate governmental or private agencies should be undertaken to resolve questionable areas. This may include sending the environmental impact assessment report to selected agencies for their review and comment, with a cover letter explaining the issue. Upon evaluation of information received through this consultation and coordination or from other sources, the regional office will determine whether the action should or should not be processed pursuant to Section 102(2)(C) of NEPA.

b. Notwithstanding the above precautions, there may still be cases in which, after circulation of a draft enivronmental impact statement, the FAA finds that the proposed action will not significantly alter the airport's impact on its surrounding environment and is not highly controversial on environmental grounds and therefore does not require the preparation of a final environmental impact statement pursuant to Section 102(2)(C). The FAA may then change the action and prepare a negative declaration.

c. The general requirements for processing a draft statement, distributing it for Federal review, and giving public notice are the same as those set forth in paragraphs 60, 61, and 62 for a fully coordinated NEPA Section 102(2)(C) action.

71. DOCUMENTATION

a. Documentation to support a decision to change a draft environmental impact statement to a negative declaration shall include:

(1) The Federal Finding supporting the conclusion that the action will not result in significant environmental impact and is not highly controversial.

(2) The summary similar to that shown in Appendix 1, except that the heading shall read 'Negative Declaration" and a sentence shall be added to explain that the draft environmental impact statement was changed to a negative declaration.

(3) The draft environmental impact statement shall be included as part of the negative declaration package. If not contained in the draft statement, additional supportive evidence must be supplied for all applicable environmental considerations nad required assurances. Reference paragraph 63a(3).

(4) All substantive comments received through the Federal review process shall be included in the negative declaration package. Each comment shall be listed with appropriate reference to the draft statement and/or such additional response as may be necessary to dispense with the issue raised. If the draft is revised and resubmitted, comments may be dealt with in the body of the statement. To the extent that impacts have been identified in the draft statement as having the potential for significant impact, supplemental data in the documentation must reveal that such potential has been eliminated. Elimination of the potential for significant impact can occur when the project has been changed, something in the impacted environment has changed, or because subsequent data has revealed an inaccuracy or misunderstanding of earlier information, measurements, or other factors. Any controversy which led to the preparation and circulation of a draft statement must be resolved or withdrawn. If the conditions which prompted the preparation of the draft statement are not specifically dismissed in an adequate manner, the draft environmental impact statement cannot be changed to a negative declaration.

b. The distribution of the negative declaration package shall be accomplished in the same manner and with the same number of copies as a proposed final environmental impact statement (reference paragraph 63b).

72. APPROVAL

a. *Approval Authority*. The Assistant Administrator, Office of Airports Programs, has the authority to approve the negative declaration for any project identified in paragraph 64c except that TES and TGC concurrence is not required. Approval is subject to review for legal sufficiency by AGC. For projects not subject to TES concurrence, the negative declaration is approved by the regional director, subject to regional counsel review and AAP and AGC concurrence per paragraph 64c.

b. *Federal Finding*. The Finding for this action should approximate the following:

"A draft environmental impact statement for the proposed action has been prepared and federally coordinated in the manner contemplated by Section 102(2)(C) of the National Environmental Policy Act of 1969. A careful and thorough evaluation of the facts contained in the draft statement, and consideration of the comments received from the public and other Federal agencies having jurisdiction by law and special expertise in environmental matters, now supports a determination that the proposed action is not highly controversial and will not significantly affect the quality of the human environment."

When appropriate for Section 16(c)(4) of the Airport Act (and/or Section 4(f) of the DOT Act), the Finding shall also include the following:

"It is also determined that there is no feasible and prudent alternative to the proposed action (and/or to use of lands covered by Section 4(f) of the Department of Transportation Act of 1966, as amended); and, further, the proposed action includes all possible steps to minimize any adverse effects (and/or all possible planning to minimize harm to such lands)."

In all instances, continue with the following:

"Having met all relevant requirements for environmental consideration and consultation, the proposed action is authorized to be taken at such time as other requirements have been met."

73. FINAL DISTRIBUTION AND NOTIFICATION

a. *Distribution*. When the decision to change a draft statement to a negative declaration is made, a distribution of the negative declaration package as described in paragraph 71a shall be made in a manner similar to that for a fully coordinated Section 102 (2)(C) action (reference paragraphs 65b, c, and d). The final 30-day CEQ review period is no longer applicable, and the implementing administrative action can take place any time after termination.

b. *Public Notification*. The decision to change a draft impact statement to a negative declaration should be publicized in the appropriate local media in the same manner as was the draft statement. Copies of the negative declaration need not be distributed, although copies must be made available upon request.

74. IMPLEMENTATION OF ENVIRONMENTAL COMMITMENTS

Any representations made in the environmental documentation with respect to minimization of adverse environmental effects shall receive the same follow-on action and review as for NEPA actions as described in paragraph 66.

75.–79. RESERVED

Chapter 9. FAA Processing and Approval of Airport Act Section 16(c)(4) Coordinated Actions

80. GENERAL

a. This paragraph applies to airport development actions for which limited Federal coordination is required pursuant to Section 16(c)(4) of the Airport Act but do not otherwise fall within the requirements for fully coordinated NEPA Section 102(2)(C) actions (reference paragraph 22).

b. The general requirements for preparation and processing of draft statements as set forth in paragraphs 44 and 60 are equally applicable to Section 16(c)(4) coordinated actions except that the heading on the report shall read "Negative Declaration/Section 16(c)(4) Coordination." A summary is not required.

81. DISTRIBUTION FOR FEDERAL REVIEW

a. Distribution of Section 16(c)(4) negative declarations by airports regional offices for review is limited to the Office of Airports Programs, EPA, and DOI. The negative declaration, including A–95 clearinghouse comments and any other substantive comments received and responses thereto and the summary or transcript of any public hearing held (or evidence that it was offered), shall be distributed as follows:

(1) One copy to the Office of Airports Programs (Attention: AAP–400).

(2) Five copies to EPA regional offices.

(3) The same number of copies to DOI as required for draft environmental impact statements, sent directly to the same address in Washington as given in paragraph 61b(6).

(4) It may be necessary to send copies to the Department of Agriculture or the Department of Housing and Urban Development if DOT Section 4(f) land is involved in the action.

b. Copies of negative declarations to EPA and DOI are to be accompanied by a transmittal letter explaining the purpose for the consultation as described in paragraph 22b. A time limit for review of not less than 45 days shall be established after which it may be presumed that the agency consulted has no comments to make.

c. The copy received by the Office of Airports Programs will receive limited review for the purpose of evaluating the quality of the Section 16(c)(4) negative declarations. No concurrence by the Office of Airports Programs on individual 16(c)(4) actions is required. No further distribution is made within FAA or DOT headquarters, nor are any copies filed with CEQ.

82. PUBLIC NOTICE

The regional office shall formulate a system for announcing the availability of the negative declaration through appropriate media in the area affected and in cooperation with the sponsor of the project. The announcement shall indicate the availability of the negative declaration for review which shall include FAA regional and district offices, the sponsor's office, local public libraries, and other appropriate locations of general public access. Copies of negative declarations shall be provided, on request, free of charge or at a fee commensurate with the cost of reproduction.

83. DOCUMENTATION

Documentation to support approval of the Section 16(c)(4) coordinated action shall include:

a. The Federal Finding supporting the conclusion that the action will not result in significant environmental impact, that there is no feasible and prudent alternative, and that all possible steps have been taken to minimize adverse effects.

b. Supporting evidence for all applicable environmental considerations and required assurances. Reference paragraph 63a(3). It should be noted that the requirements for consultation and documentation as described under paragraph 44 for applicable environmental considerations also pertain to Section 16(c)(4) actions (e.g., historical and archaeological site considerations, DOT 4(f) lands, wetlands and coastal zones, endangered species).

c. The negative declaration.

d. All substantive comments received through the consultative process. If any such comment takes issue with the preliminary conclusion that there are no significant impacts, then either such additional evidence as may be necessary to support this conclusion must be included in the documentation and furnished to the commenting agency or the fully coordinated Section 102(2)(C) action process must be initiated.

84. APPROVAL

a. *Approval Authority*. The decision to apply this action choice may be made by the regional director. After the required consultation with DOI and EPA, the regional director may approve the Federal Finding after review by the regional counsel for legal sufficiency. If either DOI or EPA indicates significant environmental impacts or objects to the proposed action on environmental grounds, the preparation and processing of a draft environmental impact statement pursuant to NEPA Section 102(2)(C) is required. See paragraphs 20a(2) and 20c.

b. *Federal Finding*. A Finding for a Section 16(c)(4) coordinated action would approximate the following:

"After careful and thorough consideration of the facts developed herein, and after consultation with EPA and DOI pursuant to Section 16(c)(4) of the Airport and Airway Development Act of 1970 regarding the effects of the proposed action, the undersigned finds: that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101(a) of the National Environmental Policy Act of 1969 (NEPA); that it will not significantly affect the quality of the human environment or otherwise include any condition requiring full consultation pursuant to Section 102(2)(C) of NEPA; that there is no feasible and prudent alternative to the proposed action; and that the proposed action includes all possible steps to minimize any adverse effects."

When appropriate for Section 4(f) of the DOT Act, the Finding shall also include the following:

"It is also determined that there is no feasible and prudent alternative to use of lands covered by Section 4(f) of the Department of Transportation Act of 1966, as amended; and further, that the proposed action includes all possible planning to minimize harm to such lands."

In all instances, continue with the following:

"Having met all relevant requirements for environmental consideration and consultation, the proposed action is authorized to be taken at such time as other requirements have been met."

85. FINAL DISTRIBUTION

After a Section 16(c)(4) coordinated action is approved, the region shall send one copy of the approval package to EPA, DOI (in Washington), and AAP-400 for record purposes. (If no changes have been made in the negative declaration, no additional copy of that report need be included in the final package sent to AAP-400.)

86. IMPLEMENTATION OF ENVIRONMENTAL COMMITMENTS

Any representations made in the negative declaration with respect to minimization of adverse environmental effects shall receive the same follow-on action and review as for NEPA actions as described in paragraph 66.

87.–89. RESERVED

CHAPTER 10. CONTENT, PROCESSING, AND APPROVAL OF OTHER NEGATIVE DECLARATION ACTIONS

90. CONTENT OF AN ASSESSMENT REPORT

a. For actions which do not require coordination pursuant to NEPA Section 102 (2)(C) or the Airport Act Section 16(c)(4), an environmental assessment report may be prepared by the public sponsor and addressed to the appropriate FAA official.

b. The report must include:

(1) A description of the proposed action and its purpose.

(2) A discussion of the proposed method of accomplishment, including construction techniques and safeguards to be utilized to minimize possible adverse effects upon the environment.

(3) A discussion, based on consideration of possible impacts as described in paragraph 44, supporting the assessment that the airport development project will not significantly alter the airport's impact upon its surrounding environment.

(4) A discussion indicating consistency with community planning.

(5) Alternatives considered and why rejected.

c. The responsible official must review the evidence and determine that an environmental impact statement and coordination pursuant to paragraph 20 are not required.

91. COORDINATION

There is no formal Federal review prescribed for the negative declaration. However, appropriate Federal, state, or local coordination must be completed as described under paragraph 44 for any applicable areas of environmental consideration (e.g., historical and archaeological site considerations, DOT 4(f) lands, wetlands and coastal zones, endangered species). In all cases, coordination with the State Historic Preservation Officer is required. In addition, nothing in this order shall be construed as preventing such informal coordination as may be considered prudent by the region to satisfy itself regarding the extent of specific impacts. The negative declaration shall be reviewed by any affected FAA program division and staff official at the regional level before finalization.

92. NOTIFICATION

Formal announcement of availability of negative declarations is not required. However, such reports, including the A-95 coordination comments, shall be made available on request free of charge or at a fee commensurate with the cost of reproduction through FAA region and/or district offices and the sponsor's office.

93. DOCUMENTATION

Documentation to support approval of an action described herein shall include the negative declaration and the Federal Finding plus supporting evidence for all applicable environmental considerations and required assurances. Reference paragraph 63a (3). It should be noted that the requirements for consultation and documentation as described under paragraph 44 for applicable environmental considerations also pertain to these actions.

94. APPROVAL

a. *Approval Authority*. The decision to apply this action choice may be made by the regional director. If the project involves a determination under Section 4(f) of the DOT Act, approval is subject to review for legal sufficiency by regional counsel.

b. *Federal Finding*. The Finding for this action should approximate the following:

"After careful and thorough consideration of the facts contained herein, the undersigned finds: that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101(a) of the National Environmental Policy Act of 1969 (NEPA); that it will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(C) of NEPA or Section 16(c)(4) of the Airport and Airway Development Act of 1970."

When appropriate for Section 4(f) of the DOT Act, the Finding shall also include the following:

"It is also determined that there is no feasible and prudent alternative to use of lands covered by Section 4(f) of the Department of Transportation Act of 1966, as amended; and further, that the proposed action includes all possible planning to minimize harm to such lands."

In all instances, continue with the following:

"Having met all relevant requirements for environmental consideration and consultation, the proposed action is authorized to be taken at such time as other requirements have been met."

95. FINAL DISTRIBUTION

Distribution of the above documentation outside the region is not required by this order. However, such documentation shall be made readily available upon request.

96. IMPLEMENTATION OF ENVIRONMENTAL COMMITMENTS

Any representations made in the assessment report with respect to minimization of adverse environmental effects shall receive the same follow-on action and review as described in paragraph 66.

97.–99. RESERVED

CHAPTER 11. PRIOR FINDING AFFIRMATIONS

100. GENERAL

When a proposed action falls within the scope of a previously approved environmental impact statement or negative declaration, a prior finding affirmation may be in order. The following circumstances should be reviewed when deciding upon the applicability of an affirmation.

a. If the action is to be taken within two years of the original environmental approval and if there is no substantive change in either the description of the action or the environmental impacts attributable to the action, no further assessment or prior finding affirmation is required.

b. If the action is to be taken in a two- to five-year period after the original environmental approval, an affirmation of the prior finding may be made if a thorough analysis reveals that the action conforms with the prior approved plan or projects and that the data and analysis in the prior environmental assessment, as they apply to the proposed action, are still substantially valid.

c. If the action is to be taken more than five years after the original decision, normally a new assessment in the form of an environmental impact statement or negative declaration will be necessary depending on the scope and thoroughness of the initial assessment and current applicability. In special cases, it is possible that the applicability of a prior finding may be documented and a prior finding affirmation may be made.

101. COORDINATION

No Federal coordination of the prior finding affirmation is required except for such intradepartmental coordination as needed to obtain approval as described in paragraph 104. However, nothing in this order shall be construed as preventing such informal coordination as may be considered prudent or necessary by the region to establish the current validity of the data and analyses as contained in the prior assessment.

102. NOTIFICATION

Formal announcement of availability of prior finding affirmations or supporting documentation is not required. However, such documentation shall be made available on request free of charge or at a fee commensurate with the cost of reproduction through FAA region and/or district offices and the sponsor's office.

103. DOCUMENTATION

The prior finding affirmation package shall contain the following documentation:

a. A report for approval by the responsible official which includes:

(1) A description of the proposed action and its relationship to the description of work in the prior approved assessment.

(2) An affirmation statement as set forth in paragraph 104b.

b. A copy of the prior approved environmental impact statement or negative declaration and the prior decision memorandum and Federal Finding shall be made available to the responsible official.

104. APPROVAL

a. *Approval Authority.* The authority to approve a prior finding affirmation is at a level commensurate with the description and extent of environmental impacts of the proposed action, with appropriate concurrences and review for legal sufficiency as indicated in paragraphs 64, 84, or 94, whichever is applicable.

b. *Prior Finding Affirmation.* The affirmation statement for this action should approximate the following:

"After careful and thorough consideration of the facts contained in the environmental impact statement (or negative declaration) approved (date), the undersigned finds that the proposed Federal action is consistent with the assessment contained therein and that the prior Federal Finding as pertains to the proposed action is hereby affirmed."

When Section 16(c)(4) of the Airport Act (and/or Section 4(f) of the DOT Act) applies to the proposed action, add the following:

"It is hereby affirmed that there is no feasible and prudent alternative to the proposed action (and/or to use of lands covered by Section 4(f) of the Department of Transportation Act of 1966, as amended); and further, the proposed action includes all possible steps to minimize any adverse effects (and/or all possible planning to minimize harm to such lands)."

In all instances, continue with the following:

"Having previously met all relevant requirements for environmental consideration and consultation, the proposed action is authorized to be taken at such time as other requirements have been met."

105. FINAL DISTRIBUTION

Distribution of the above documentation is not required outside the FAA by this order. However, such documentation shall be made readily available upon request.

APPENDIX 1. SUMMARY TO ACCOMPANY DRAFT AND FINAL STATEMENT

Check one Final ( ) Draft ( ) Environmental Statement

Name of responsible Federal agency (with name of operating division where appropriate). Region of origin and name, address, and telephone number of individuals at the agency who can be contacted for additional information about the proposed action or the statement.

1. Name of action (check one) ( ) Administrative Action ( ) Legislative Action.

2. Brief description of action and its purpose. Indicate what states (and countries) particularly affected, and what other proposed Federal actions in the area, if any, are discussed in the statement.

3. Summary of environmental impacts and adverse environmental effects.

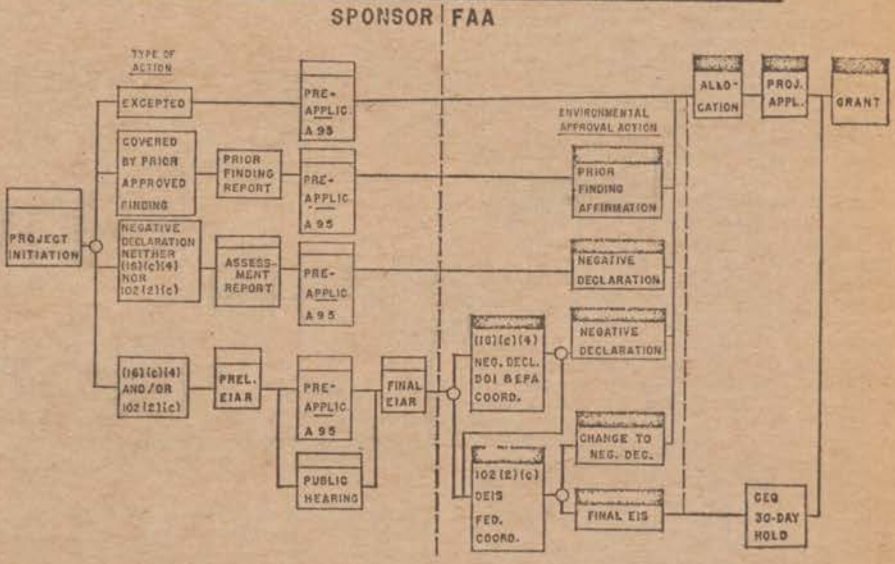
4. Summary of major alternatives considered.

5. For draft statements, list all Federal, state, and local agencies and other parties from which comments have been requested. For final statements, list all Federal, state, and local agencies and other parties from which written comments have been received.

6. Date draft statement (and final environmental statement, if one has been issued) made available to CEQ and the public.

7. Date of public hearing, if one was held.

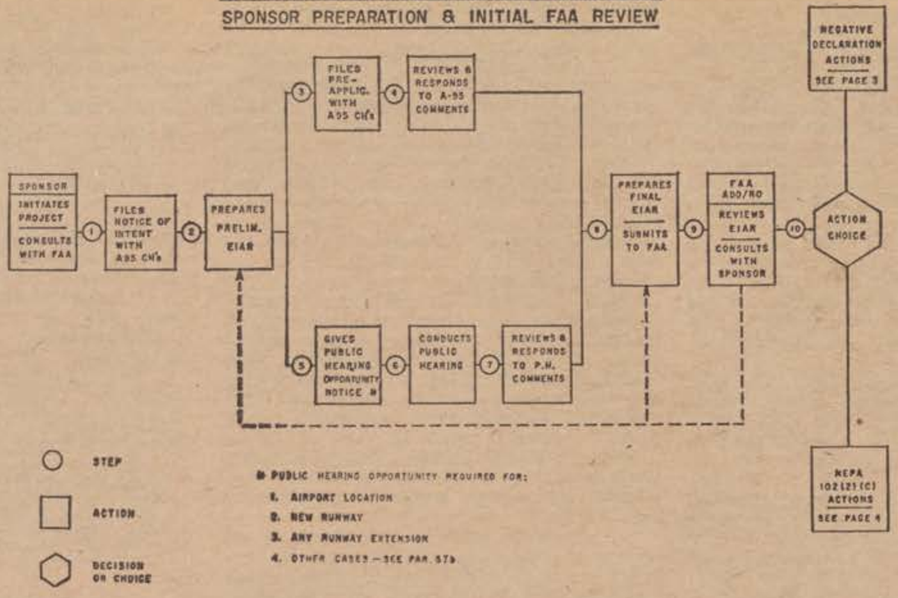
OVERVIEW OF ENVIRONMENTAL REVIEW PROCESS



APPENDIX 2. ENVIRONMENTAL PROCESS FLOWCHARTS

ENVIRONMENTAL REVIEW PROCESS

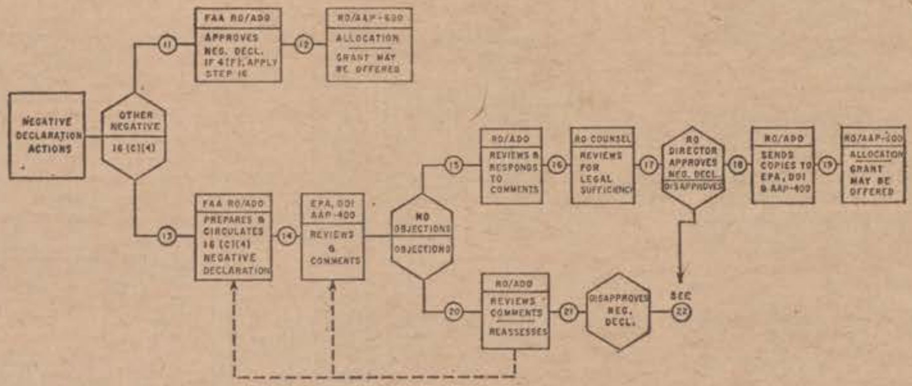
SPONSOR PREPARATION & INITIAL FAA REVIEW



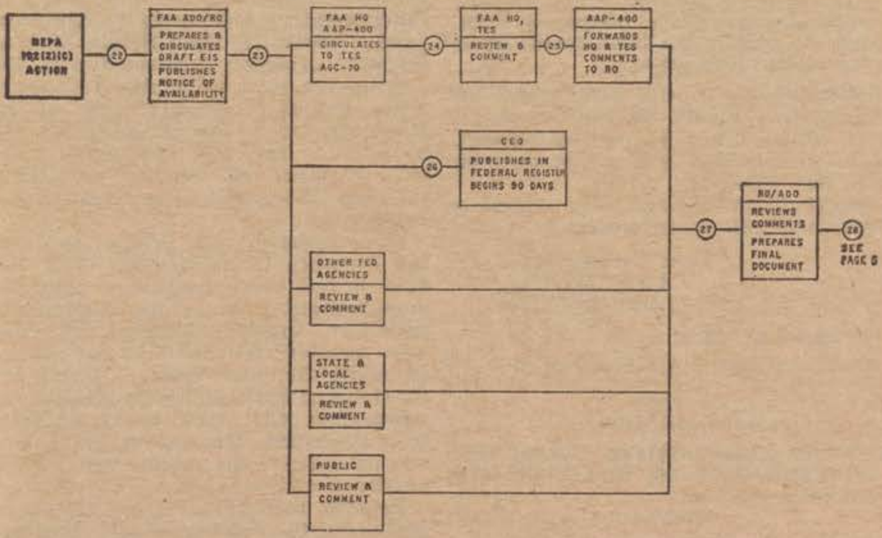
* PUBLIC HEARING OPPORTUNITY REQUIRED FOR:

1. AIRPORT LOCATION
2. NEW RUNWAY
3. ANY RUNWAY EXTENSION
4. OTHER CASES—SEE PAR. 57b

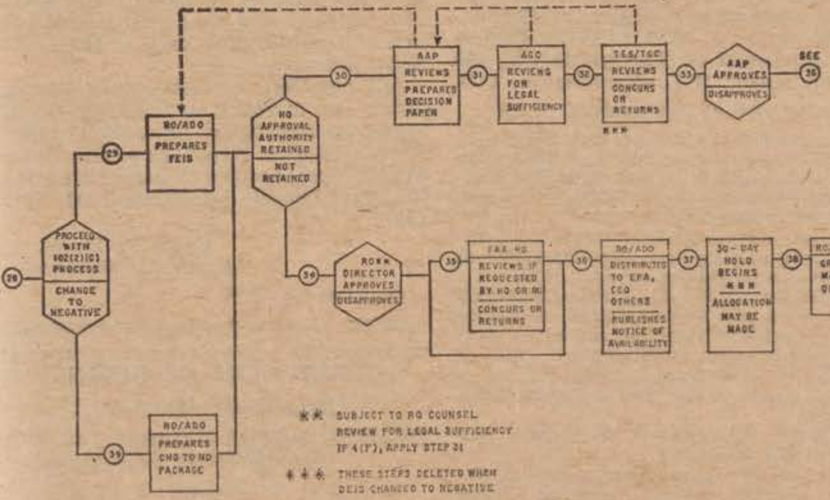
FAA PROCESSING AND APPROVAL OF NEGATIVE DECLARATION ACTIONS



FAA PROCESSING OF NEPA 102 (2)(C)
DRAFT ENVIRONMENTAL IMPACT STATEMENT



FAA FINAL NEPA 102(2)(C) APPROVAL ACTIONS



** SUBJECT TO RO COUNSEL REVIEW FOR LEGAL SUFFICIENCY IF 4(F), APPLY STEP 31

*** THESE STEPS DELETED WHEN DEIS CHANGED TO NEGATIVE

[FR Doc.76-30515 Filed 10-20-76;8:45 am]

National Highway Traffic Safety Administration

TRUCK AND BUS SAFETY SUBCOMMITTEES

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Truck and Bus Safety Subcommittees of the National Highway Safety Advisory Committee and the National Motor Vehicle Safety Advisory Council. The Subcommittees will meet on November 11 from 2:00 to 5:00 p.m. and on November 12 from 8:30 a.m. to 12:00 noon in room 4234 of the DOT Headquarters Building, 400 Seventh Street, SW., Washington, D.C.

This will be the first meeting of the Truck and Bus Safety Subcommittees. The agenda will consist of setting priorities and future activities of the subcommittees.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meetings. Any member of the public may present a written statement to the Committee at any time.

This meeting is subject to the approval of the appropriate DOT officials.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C., on October 18, 1976.

Wm. H. Marsh,
Executive Secretary.

[FR Doc.76-30991 Filed 10-20-76;8:45 am]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the National Highway Safety Advisory Committee to be held November 8, 9, 10 and 11, 1976 in Washington, D.C.

The agenda for this meeting is as follows:

On November 8, from 7:30 p.m. to 9:30 p.m. the Executive Subcommittee will meet at the Channel Inn, 650 Water Street, S.W., Washington, D.C. (room will be posted on hotel lobby board) to discuss Committee and subcommittee future activities.

On November 9, from 8:30 a.m. to 12:15 p.m. there will be a General Session in room 4234 of the DOT Headquarters Building to discuss the 55 MPH speed limit, review presentation on "Alcohol Safety Programs & Alternatives for Funding", status report on highway fatality statistics and overview of NHTSA's programs and resources.

At 1:30 p.m. on November 9 the Highway Environment Subcommittee will meet in room 6200 of the DOT Headquarters Building to report on visits to FHWA Division Safety Coordinators, review rail-highway grade crossing problems and review subcommittee's draft resolutions.

Also at 1:30 p.m. on November 9 the Adjudication and Alcohol Subcommittee will meet in room 4234 of the DOT Headquarters Building to report on Alcohol Safety Adjudication/Referral (ASAR) Plan, review of rural court briefing program, meeting of Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, and discuss future subcommittee meeetings.

On November 10 from 8:30 a.m. to 12 noon the Driver Subcommittee will meet in room 4234 to review driver improvement programs, the Safe Performance Curriculum Demonstration Project, presentation on National Safety Council's Defensive Driving Course and subcommittee's April resolutions.

At 1:00 p.m. on November 10 the Vehicle Subcommittee will meet in room 6200 to discuss national truck weight and length requirements, briefing on 1-U Truck Safety Study, and vehicle speed and distance indicators.

On November 11 at 8:30 a.m. the full Committee will meet in room 2230 of the DOT Headquarters Building with the following agenda: swearing in of new members, status report on establishment of National Data Center, reports by subcommittees and any old or new business pending.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the Committee at any time.

This meeting is subject to the approval of the Secretary of Transportation.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, S.W. (DOT Headquarters Building), Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C., on October 15, 1976.

WM. H. MARSH,
Executive Secretary.

[FR Doc.76-30801 Filed 10-20-76;8:45 am]

Office of Pipeline Safety Operations

[Docket No. 76-12W; Notice 5]

TRANS-ALASKA CRUDE OIL PIPELINE

Petition for Waiver for Girth Welds

On October 6, 1976, the Office of Pipeline Safety Operations issued a public notice announcing that the public comment period in this proceeding had been reopened to receive additional written comments until the close of business on October 28, 1976, that the Deputy Secretary of Transportation would hold a public hearing on October 28, 1976, and that a preliminary report prepared by the National Bureau of Standards (NBS) relating to the subject of this proceeding had been placed in the docket for public inspection (41 FR 44207, October, 7, 1976).

It was also stated in that notice that a final NBS report was expected about mid-October and would be placed in the docket for inspection and review. That final report has been received and placed in the docket.

(18 USC 831-835, 49 CFR 1.53(g).)

Issued in Washington, D.C., on October 19, 1976.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.76-31198 Filed 10-20-76;10:17 am]

DEPARTMENT OF STATE

[Public Notice CM-6/114]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on radiocommunications of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 2:00 p.m. on Thursday, November 18, 1976, in Room 8440 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting is to prepare position documents for the 17th Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO), to be held in London during February, 1977. In particular, the working group will discuss the following topics:

Promulgation of navigational warnings to shipping.
Operational standards for shipboard radio equipment.
Operational requirements for emergency position-indicating radio beacons, portable radio apparatus for survival craft.
Matters resulting from the World Maritime Administrative Radio Conference, 1974, and the work of the International Radio Consultative Committee.

Requests for further information on the meeting should be directed to Lt. F. N. Wilder, United States Coast Guard. He may be reached by telephone on (area code 202) 426-1345.

The Chairman will entertain comments from the public as time permits.

CARL TAYLOR, Jr.,
Acting Director, Office of Maritime Affairs.

OCTOBER 13, 1976.

[FR Doc.76-30869 Filed 10-20-76;8:45 am]

[Public Notice CM-6/116]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on safety of navigation of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Wednesday, November 17, 1976, in Room 8236 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting is to

Discuss proceedings of the 18th Session of the Subcommittee on Safety of Navigation of the Intergovernmental Maritime Consultative Organization (IMCO), which met in London March 22-26, 1976.
Discuss proceedings of the navigational working group on ships routing which met at The Hague on September 6-10, 1976.
Consider matters for the forthcoming 19th Session of the Subcommittee on Safety of Navigation of IMCO scheduled for February 14-19, 1976; in particular.
Matters related to ships routing.
Matters related to the 1972 Collision Regulations.
Performance standards of navigation aids and related equipment.
Standard marine navigational vocabulary.
Marine buoyage systems, and any other business.

Requests for further information on the meeting should be directed either to Mr. R. A. Bauman or CDR D. L. Parr, United States Coast Guard. They may be reached by telephone on (area code 202) 426-4958.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

OCTOBER 14, 1976.

[FR Doc.76-30871 Filed 10-20-76;8:45 am]

[CM-6/117]

ADVISORY COMMITTEE ON "FOREIGN RELATIONS OF THE UNITED STATES"

Meeting

The Advisory Committee on "Foreign Relations of the United States" will meet on November 12, 1976, at 9 a.m. in room 6320 of the Department of State Building.

The principal purpose of the Committee is to give advice to the Bureau of Public Affairs (particularly the Historical Office) regarding the solution of professional problems connected with the preparation of the "Foreign Relations" series and other responsibilities of the Historical Office. Special attention will be given to classified documents, more than 20 years old, that are now being reviewed for possible declassification and publication.

In accordance with Section 10(d) of the Advisory Committee Act (P.L. 92-463) it has been determined that the main portion of the above meeting will necessarily involve discussion concerned with matters recognized as not subject to public disclosure under 5 U.S.C. 552 (b)(1), and that the public interest requires that such activities be withheld from disclosure. The meeting will therefore be closed to the public after the first portion (9 a.m. to 11 a.m.).

Persons wishing to attend the open portion of the meeting should come before 9 a.m. to the Diplomatic Entrance of the Department of State Building at 22d and C Streets, North West, Washington, D.C. They will be escorted to room 6320 and (at the conclusion of the open portion of the meeting) back to the Diplomatic Entrance.

Any questions concerning the meeting should be directed to David F. Trask, Executive Secretary, Advisory Committee on "Foreign Relations of the United States," Department of State, Washington, D.C. 20520; telephone (202) 632-1931.

DAVID F. TRASK,
Executive Secretary.

OCTOBER 14, 1976.

[FR Doc.76-30952 Filed 10-20-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

BALLISTIC MISSILE DEFENSE TECHNOLOGY ADVISORY PANEL

Meeting

1. In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-643), an accouncement is made of the following committee meeting:

Name of committee: Ballistic Missile Defense Technology Advisory Panel.
Dates of meeting: 15 through 17 November 1976.
Place: BMD Advanced Technology Center, 106 Wynn Drive, Huntsville, Alabama 35807.
Time: 0830-1630 hours on dates indicated above
Proposed agenda: I. Review of Ballistic Missile Defense Advanced Technology Center Programs.
II. Review the Results of Ad Hoc Advanced Technology Studies, Programs, and Special Reports.

2. The meeting is closed to the public since the agenda consists of BMDATC's on-going and future programs which are classified as Secret or higher defense information pursuant to Executive Order 11652 (dated 8 March 1972); and therefore, do fall within the policies analogous to those recognized in Section 552(b)(1) of Title 5, U.S. Code and national security does require that the details of these programs be withheld.

Dated: October 15, 1976.

CLYDE A. YOUNG, Jr.,
Commanding.

[FR Doc.76-30956 Filed 10-20-76;8:45 am]

CHIEF OF ENGINEERS ENVIRONMENTAL ADVISORY BOARD

Meeting

In accordance with Public Law 92-463, notice is hereby given that the next meeting of the Environmental Advisory Board (EAB) of the Chief of Engineers will be held on 9 November 1976 at the Office of the Chief of Engineers, Forrestal Building, room 5A092, 10th and Independence Avenue, SW, Washington, D.C. 20314. All sessions of the meeting are open to the public. Time and subjects of each session follow:

9 NOVEMBER

A.M. SESSION

9:00___ Opening remarks.
9:30___ Civil Works Update.
10:45___ National Environmental Trends, 1976-1986; Activities and Opportunities for the Corps of Engineers, 1976-1980. Recipient of COE Environmental Excellence Award.

P.M. SESSION

1:30___ Discussion of EAB Report.
3:30___ Adjourn.

Seating in the meeting room is limited to approximately 20 persons. Persons desiring further information should contact Lt Col John R. Hill, Jr., Assistant Director of Civil Works, Environmental Programs, Office of the Chief of Engineers, telephone (202) 693-7093.

The EAB, consisting of five members, will conduct a workshop session on 8 November, room 4A242, Forrestal Building, to prepare for their report to be delivered during the plenary session on 9 November. There will be no formal discussions or presentations during this workshop session. Interested members of the public will, however, be permitted to observe this workshop session. Interested persons should contact Lt Col Hill as cited above.

Dated: October 15, 1976.

JOHN R. HILL, Jr.,
Corps of Engineers, Assistant Director of Civil Works, Environmental Programs.

[FR Doc.76-30955 Filed 10-20-76;8:45 am]

Office of the Secretary

DEPARTMENT OF DEFENSE DESIGN AWARDS JURY

Establishment

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Department of Defense Design Awards Jury has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The nature and purpose of the Department of Defense Design Awards Jury is to review the entries submitted to the Office of the Secretary of Defense by the Military Departments for consideration for award in the Department of Defense Design Awards Program. Final selection of projects to receive awards is made by jury vote and the results reported to the Assistant Secretary of Defense (Installations and Logistics).

MAURICE W. ROCHE,
Director Correspondence and Directives, OASD (Comptroller).

OCTOBER 18, 1976.

[FR Doc.76-90931 Filed 10-20-76;8:45 am]

AMERICAN FORCES RADIO AND TELEVISION BROADCAST POLICY

• 1. *Purpose.* This policy is issued by the Office of Information for the Armed Forces, Office of the Assistant Secretary of Defense (Public Affairs), to provide a fair and balanced coverage of political events and outline practical methods for providing such a fair and balanced coverage. •

2. *Background.* Two legal standards govern political broadcast policy:

a. "Military Neutrality" in political affairs is an historic principle which applies at all times and must be considered whenever there is contact between the military and the civilian political domain. The DoD may not favor, benefit, or appear to favor or benefit, any political candidate, organization, program or issue, or be associated with the solicitation of votes. (DoD Directive 5410.18, "Community Relations," July 3, 1974;[1] Supreme Court Decision, *Greer* v. *Spock*, No. 74-848, March 24, 1976; and Office of the Chief of Military History, U.S. Army, Study "The Tradition of Abstention of the Military from Partisan Political Activity," January 1973[2]).

b. "Fairness and balance" in the presentation of all news of a controversial nature is mandated in the American system of broadcasting by law and by professional and industry codes and standards. To provide a service they would receive as citizens at home in the United States, AFRT outlets and networks will make available to military personnel stationed overseas factual political news from the United States. The standard is that there shall be a free flow of information to all military personnel without censorship, propagandizing or manipulation. (Political Broadcast Catechism, Eighth Edition, National Association of Broadcasters, March 1976;[2] ABC and CBS network political broadcast policy booklets, 1976;[2] and DoD Instruction 5120.20, "American Forces Radio and Television," April 26, 1971.[1])

Rules and regulations of the Federal Communications Commission (FCC) concerning political broadcasts do not apply to AFRTS. AFRTS facilities will make every effort to achieve balance and fairness in political broadcast programming. Where "hard news" is involved, broadcasts should also reflect a concern for impartiality and breadth of coverage. Such a responsibility should be interpreted as involving an airing of all significant issues and viewpoints, but not as requiring equalization of time or coverage.

3. *Requirements.* a. Compulsory political programming distributed by AFRTS-W and AFRTS-LA will be designated and labeled "Campaign '76 Material." This will consist of public and commercial radio and television network special events and public affairs programs which include in-person appearances by candidates for president and for vice president of the United States. Campaign '76 material may include such events as speeches, debates, interviews, appearances on panel discussion programs. It does not include newscasts, news analysis or commentry.

b. "Campaign '76 Material" must be carried by all AFRT facilities. All AFRT facilities will maintain a log of "Campaign '76 Material" for possible post-election audit. If, for any reason, any AFRT facility is unable to broadcast this material it must report that fact immediately to the Directorate for Electronic Media, IAF, OASD(PA), Autodin Routine address RUEOHLA, with information copies to the appropriate unified or specified command and to the appropriate military service.

c. Other political programming, not designated "Campaign '76 Material," which may be broadcast and/or distributed by AFRTS includes: regularly scheduled public and commercial network newscasts, interviews, documentaries, commentaries and analysis, news conferences, special political events, etc. AFRT facilities which broadcast such materials must insure balance and fairness, even though the materials are not designated "Campaign '76 Material."

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[1] Filed as part of original. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19121, Attention: Code 300.

[2] Copies may be obtained from Directorate for Electronic Media, Office of Information for the Armed Forces, OASD(PA), Room 402, Pomponio Building, 1117 N. 19th Street, Arlington, Va. 20305.

d. AFRT facilities which produce their own newscasts must themselves assure balance and fairness.

e. Eligible candidates will be contacted in writing by Deputy Coordinator, Federal Voting Assistance Program, as soon as they become eligible. An eligible candidate is one whose name has qualified for the general election ballot in at least 26 of the states or the District of Columbia by October 1 preceding the election. Candidates will be requested to designate which of their nationwide, commercially broadcast programs they wish rebroadcast to the AFRT audience.

Effective date: September 23, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 18, 1976.

[FR Doc.76-31137 Filed 10-20-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 75-27]

EDDIE MACK GIPSON, M.D.

Denial of Application for Registration

On April 7, 1975, Eddie Mack Gipson, M.D., [sometimes hereinafter, "Respondent"] executed an application for registration as a practitioner under the Controlled Substances Act. On September 4, 1975, the then Acting Administrator of the Drug Enforcement Administration (DEA) directed to Dr. Gipson, of Austin, Texas, an Order to Show Cause as to why his application for registration should not be denied pursuant to 21 U.S.C. 824. The Order to Show Cause specified as reasons for denial of the application the Respondent's conviction of a controlled substance-related felony and his lack of State authorization to handle controlled substances.

On October 3, 1975, Respondent, through his counsel, requested a hearing on the Order to Show Cause, stating that Dr. Gipson would personally appear to give testimony as to why his application should not be denied. Subsequently, on January 12, 1976, after Respondent had retained new counsel and prehearing statements and been exchanged, a prehearing conference was held by telephone, with Administrative Law Judge Francis L. Young and counsel for the Government and the Respondent, participating.

After giving the Government an opportunity to file a motion for summary judgment and the Respondent an opportunity to respond thereto, Judge Young issued a Memorandum and Order, on March 12, 1976, the effect of which was to exclude from consideration in this proceeding several of the issues which Respondent sought to raise. With respect to the Government's motion for summary judgment, Judge Young ruled that although Respondent's admitted lack of State authorization appeared to require denial of his Federal controlled substances application, a hearing must nevertheless be held since Respondent had requested one.

On June 8, 1976, in San Antonio, Texas, the hearing was held, Judge Young presiding, Respondent, although represented by Counsel at the hearing, did not personally attend or testify.

On September 22, 1976, Judge Young filed, pursuant to 21 CFR 1316.65, his opinion containing recommended findings of fact, conclusions of law and a recommended decision, and certified to the Administrator the record of these proceedings including all docket entries, the transcript of the hearing, all exhibits placed in the record, the Government's proposed findings of fact and conclusions of law, and the Respondent's communications which were in the nature of proposed findings of fact and conclusions of law.

Judge Young found, inter alia, that under Texas law, all persons who manufacture, distribute, analyze or dispense controlled substances within that State must possess a valid State registration and that Respondent had never been so registered. The Administrative Law Judge concluded that under 21 U.S.C. 823(f), which provides in pertinent part that "Practitioners shall be registered to dispense or conduct research with controlled substances * * * if they are authorized to dispense or conduct research under the laws of the State in which they practice," Respondent was not qualified for Federal registration and that the application must therefore be denied.

Judge Young further found that Respondent stood convicted of a felony relating to a controlled substance, which conviction would provide a lawful basis for revocation under 21 U.S.C. 824(a)(2). The Administrators and Directors of this agency and its predecessor have uniformly held that where grounds for revocation exist at the time of application, the application can be denied on those grounds, since the law cannot be rationally read to require the granting of a registration only to withdraw it the next day. See Matter of Sheldon Wagner, D.P.M., 41 FR 9403 (1976); Matter of Serling Drug Company, 40 FR 11918 (1975); Matter of Norman Bridge Drug Co., Inc., 41 FR 3108 (1976). Accordingly, the Administrative Law Judge concluded that there was a second ground for denial of Respondent's application and recommended denial on that ground as well.

Having reviewed the record of this proceeding in its entirety, and pursuant to 21 CFR 1316.66, the Administrator fully adopts the findings, conclusions and recommended decision of the Administrative Law Judge.

Accordingly, under the authority vested in the Attorney General by Sections 303 and 304 of the Controlled Substances Act (21 U.S.C. 823 and 824, respectively), and redelegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100, as amended, the Administrator hereby orders that the Application for Registration of Eddie Mack Gipson, M.D., be, and hereby is, denied.

Dated: October 15, 1976.

PETER B. BENSINGER,
Administrator.

[FR Doc.76-30981 Filed 10-20-76;8:45 am]

[Docket No. 76-8]

JOHN S. NANCE, JR.

Final Order

On February 13, 1976, the Drug Enforcement Administration issued to John S. Nance, Jr., t/a Matthews Pharmacy [hereinafter "Respondent"], an Order to Show Cause as to why Respondent's application for registration under the Controlled Substances Act should not be denied for reason that on September 30, 1975, John S. Nance, Jr., owner and sole pharmacist of Respondent pharmacy, was convicted of a felony relating to the sale and delivery of phenobarbital.

A hearing on the Order to Show Cause was held at Washington, D.C. on June 17, 1976, Administrative Law Judge Francis L. Young, presiding. Mr. Nance appeared, pro se, testified under oath and cross-examined the Government's witness.

On October 1, 1976, Judge Young filed, pursuant to 21 CFR 1316.65, his opinion containing recommended findings of fact, conclusions of law and a recommended decision, and certified to the Administrator the record of these proceedings including all docket entries, the transcript of the hearing, all exhibits placed in the record, the Governments proposed findings of fact and conclusion of law, and the Respondent's communications which were in the nature of proposed findings of fact and conclusions of law.

The Administrator hereby accepts the Administrative Law Judge's findings and conclusions and further finds that there exists some real doubt as to whether, on the occasion giving rise to Mr. Nance's conviction, he actually intended to sell the state investigator a controlled substance, phenobarbital, or a placebo, as Mr. Nance testified that he intended to do.

Having reviewed the record of these proceedings in its entirety, and purusant to § 1316.66 of Title 21, Code of Federal Regulations, the Administrator concludes that there is insufficient evidence in the record to support a finding that denial of Respondent's application is required in the public interest.

Accordingly, under the authority vested in the Attorney General by Sections 823 and 824 of Title 21, United States Code, and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that the application for registration of Matthews Pharmacy be, and hereby is, granted.

This order shall be effective immediately.

Dated: October 13, 1976.

Peter B. Bensinger,
Administrator.

[FR Doc.76-30982 Filed 10-20-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 28964, 28965, 28966 and 28985]

NEW MEXICO

Applications

October 13, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 32 N., R. 10 W.,
  Sec. 34, lots 7, 9 and 10.
T. 26 N., R. 12 W.,
  Sec. 20, N½SE¼;
  Sec. 25, W½SE¼;
  Sec. 27, N½NE¼ and SE¼NE¼.

These pipelines will convey natural gas across 1.103 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Fred E. Padilla,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-30961 Filed 10-20-76;8:45 am]

[NM 28988]

NEW MEXICO

Application

October 14, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Continental Oil Company has applied for one 4-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 18 S., R. 31 E.,
  Sec. 26, NW¼NW¼.

This pipeline will convey natural gas across .074 of a mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-30962 Filed 10-20-76;8:45 am]

NEVADA

Filing of Protraction Diagrams

October 13, 1976.

Notice is hereby given that effective at and after 10:00 a.m., December 7, 1976, the following protraction diagram is officially filed of record in the Nevada State Office. In accordance with Title 43 Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes. Until this date and time the diagram has been placed in open file and is available to the public for information only.

Revised Nevada Protraction Diagram, No. 164

MOUNT DIABLO MERIDIAN

T. 24 N., R. 52 E.
T. 24 N., R. 53 E.
T. 25 N., R. 52 E.
T. 25 N., R. 53 E.

Copies of this diagram are for sale at two dollars ($2.00) each by the Nevada State Office, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nevada 89509.

Virginia McCold,
Acting Chief, Branch of Records and Data Management.

[FR Doc.76-30960 Filed 10-20-76;8:45 am]

[OR 16756]

OREGON

Proposed Withdrawal and Reservation of Lands

October 12, 1976.

The United States Department of Agriculture, on behalf of the Forest Service, has filed application, OR 16756, for withdrawal of the lands described below, from location and entry under the general miinng laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands for a Research Natural Area for ecological studies of redwood and associated species. It will also serve as a gene pool for the northern genotypes of redwood, as well as for other plant and animal species.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than November 17 1976, to the undersigned officer of the Bureau of Land Management, Department of the Interior (729 N.E. Oregon Street), P.O. Box 2965, Portland, Oregon 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

Williamette Meridian

SISKIYOU NATIONAL FOREST

Wheeler Creek Research Natural Area

T. 40 S., R. 12 W., Unsurveyed,

A tract of land within the following subdivisions as delineated on a map labeled "Wheeler Creek Research Natural Area" dated June 1972 submitted by the Department of Agriculture with the withdrawal application and on file in this office:

  Sec. 15, SW¼;
  Sec. 16, E½SW¼ and SE¼;
  Sec. 21, N¼NE¼;
  Sec. 22, N½NW¼;

more particularly described as follows:

Beginning at point (A) where Road 4039 crosses the west boundary of clearcut Unit No. 1 of the Upper Wheeler Creek Sale; then south to point (B) on the ridgetop; then west along the ridgetop to point (C), the submit of point 1,771; then approximately 10° south of west crossing Road 4039 600 feet south of the road junction and saddle (in the extreme southeastern corner of Section 16) (point D) and continuing to the east edge of clearcut Unit No. 1, Wheeler Ridge Sale; thence north along east boundary of clearcut Unit No. 1, Wheeler Ridge Sale, and continuing on the same line to the ridgetop (point F); thence west along the ridgetop and across a high point on the ridge to point (G); then north down the main spur ridge in Section 16, crossing Wheeler Creek (about 500 feet below junction of the main Wheeler Creek and a smaller tributary) and 200 feet up the north bank to point (H); thence east paralleling Wheeler Creek (but located 200 feet north of the stream) to point (I); and south up a spur ridge and along the west boundary of clearcut Unit No. 1 of the Upper Wheeler Creek Sale to original point (A).

This area described aggregates approximately 334 acres in Curry County, Oregon.

Harold A. Berends,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-30963 Filed 10-20-76;8:45 am]

ROCK SPRINGS DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

OCTOBER 15, 1976.

Notice is hereby given that the Rock Springs District Multiple Use Advisory Board will meet at 9:00 a.m., November 30, 1976, at the Bureau of Land Management District Office, Rock Springs, Wyoming.

The agenda will include presentation of Salt Wells—Pilot Butte and Pioneer Trails Management Framework Plan multiple use recommendations.

The meeting will be open to the public. Oral or written statements may be submitted for the Board's consideration during the afternoon of the meeting day. Such statements should be limited to matters set forth in the agenda.

Time limits for oral presentations may be established by the Chairman to ensure that all may be heard within the time available for such statements. Any interested persons or organizations may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the Board Chairman, Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901.

Further information concerning the meeting may be obtained from Ronald Hardt, Public Affairs Officer, Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901. His telephone is (307) 362-6613.

NEIL F. MORCK,
District Manager.

[FR Doc.76-30964 Filed 10-20-76;8:45 am]

WORLAND DISTRICT MULTIPLE-USE ADVISORY BOARD

Meeting

OCTOBER 12, 1976.

Notice is hereby given that the Worland District Multiple-Use Advisory Board will meet at 9 a.m. on November 11-12, 1976, at the Stockgrowers State Bank in Worland, Wyoming.

The agenda will include a discussion of the proposed withdrawal from mineral entry of land around the entrance to Horsethief Cave on Little Mountain, Wyoming. Present actions will also be made by representatives of mining and spelunking interests.

A secondary topic of the meeting will be the Bureau's planning system.

Board meetings are public and interested parties are welcome to attend as space allows. Written presentations may be made to the board through the district manager, Box 119, Worland, Wyoming 82401.

Time will be reserved for oral presentations to the board during the afternoon of November 11. Those wishing to make such presentations should inform the district manager in writing by the close of business November 9 to assure the scheduling of adequate time. Minutes of the meeting are recorded in summary form. If it is wished that a representative be included verbatim with the minutes of the meeting, a written transcript of remarks should be given the board chairman at the time the oral presentation is made.

Further information concerning the meeting may be obtained from Dave Earley, public affairs officer of the Worland BLM district. His telephone number is (307) 347-6151.

PAUL M. ANDREWS,
Acting District Manager.

[FR Doc.76-30965 Filed 10-20-76;8:45 am]

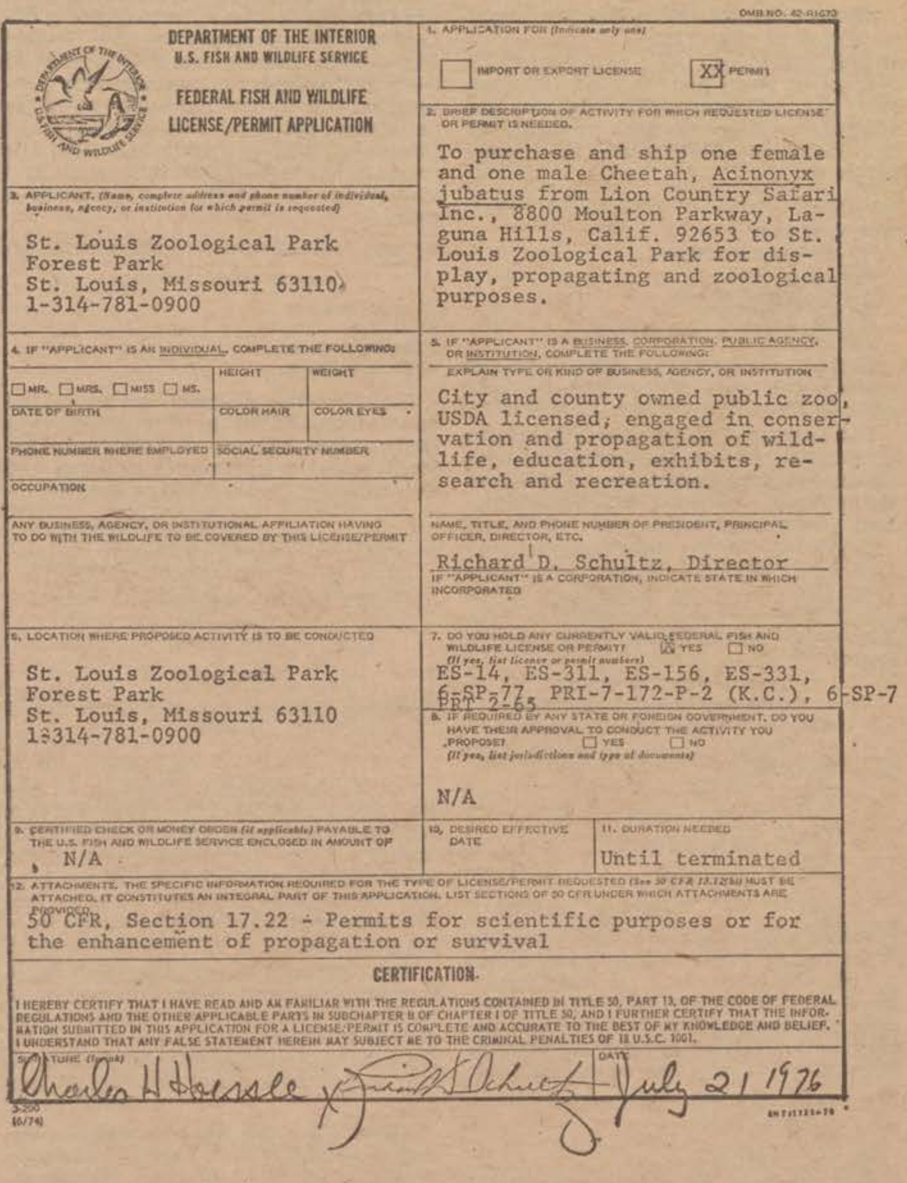
Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: St. Louis Zoological Park, Forest Park, St. Louis, Missouri 63110, Richard D. Schultz, Director.



OMB NO. 42-R1673

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR *(Indicate only one)*
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To purchase and ship one female and one male Cheetah, Acinonyx jubatus from Lion Country Safari Inc., 8800 Moulton Parkway, Laguna Hills, Calif. 92653 to St. Louis Zoological Park for display, propagating and zoological purposes.

3. APPLICANT. *(Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)*
St. Louis Zoological Park
Forest Park
St. Louis, Missouri 63110
1-314-781-0900

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☐ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT
DATE OF BIRTH	COLOR HAIR	COLOR EYES
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
OCCUPATION		

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
City and county owned public zoo, USDA licensed; engaged in conservation and propagation of wildlife, education, exhibits, research and recreation.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Richard D. Schultz, Director

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
St. Louis Zoological Park
Forest Park
St. Louis, Missouri 63110
1-314-781-0900

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
ES-14, ES-311, ES-156, ES-331, 6-SP-77, PRI-7-172-P-2 (K.C.), 6-SP-7
PRT 2-65

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
N/A

9. CERTIFIED CHECK OR MONEY ORDER *(if applicable)* PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
N/A

10. DESIRED EFFECTIVE DATE

11. DURATION NEEDED
Until terminated

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR, Section 17.22 - Permits for scientific purposes or for the enhancement of propagation or survival

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE *(In ink)*
Charles H Hoessle

DATE
July 21 1976

3-200
(6/74)

St. Louis Zoological Park,
Saint Louis, Mo., July 19, 1976.

Mr. Lynn A. Greenwalt,
Director, U.S. Fish & Wildlife Service,
Law Enforcement Division,
U.S. Department of the Interior,
Washington, D.C.

Dear Mr. Greenwalt: The St. Louis Zoological Park hereby applies for an Endangered Species Permit under Section 10(a) of the Endangered Species Act of 1973.

We submit the following information pursuant to sections 17.22 of Volume 40, No. 188 of the Federal Register.

1. The request is for permit to purchase and ship one (1) male cheetah (*Acinonyx jubatus*), captive-born on approximately November, 1975, and one (1) female cheetah (*Acinonyx jubatus*), captive-born on approximately March, 1976.

2. The male and female cheetahs sought to be covered by this permit were captive-born at Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, Calif. 92653; as documented in the correspondence from:

Mr. Milt Tennant, Zoological Manager, Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, California 92653.

(See enclosure.)

3. Not applicable.

4. Captive born at Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, Calif. 92653.

5. The cheetahs will be maintained at the St. Louis Zoological Park, St. Louis, Missouri 63110. A current zoo album, an annual report and other appropriate materials are on file with U.S. Fish and Wildlife Service, Law Enforcement Division. (Please consult Endangered Species application and materials submitted June 18, 1975.)

6. (i.) Photos and diagrams enclosed.

(ii.) The curatorial and veterinary staff are recognized by their peers as knowledgeable in the captive maintenance and breeding of wild animals in captivity. The St. Louis Zoological Park has a long and successful history of maintaining and breeding members of the cat family. A partial list of births includes lions, tigers, pumas, leopards, snow leopards, Geoffroy's Cat and servals.

(iii.) The St. Louis Zoo is currently involved in cooperative breeding programs, studbook maintenance, as well as the International Species Inventory System, in an effort to enhance captive propagation of all zoo species, especially those of rare and endangered status.

(iv.) The cheetahs will be shipped in crates exceeding the minimum standards of the I.A.T.A. Live Animal Regulations. (See enclosure)

(v.) Enclosed find necropsy reports for four cheetahs which died at the St. Louis Zoological Park from 1974-1976. These animals had been kept in captivity their entire lives and all surpassed the average longevity of captive cheetahs. Three of the four cats died with end-stage renal failure a degenerative old age symptom.

7. See enclosure.

8. (i.) The cheetahs will be maintained for propagation, educational display and behavioral study purposes.

(ii.) The cheetahs will be housed with other animals of the same species in a 1½ acre enclosure designed to enhance the breeding potential of the cheetah in captivity. (See enclosure). Behavioral observations will be conducted and the data used in an effort to encourage breeding.

8. (iii.) Behavioral observations will be conducted and information gained will be made available to appropriate institutions. Progeny resulting from propagational efforts will be available to cooperating institutions to insure future captive populations, thus relieving pressures on wild populations.

(iv.) Autopsies will be performed on deceased specimens and, if desirable, the remains will be made available to appropriate public educational facilities.

A completed form 3-200 as well as other documents regarding this request are enclosed. We sincerely hope that we can receive your consideration on our request at your earliest convenience.

Sincerely yours,

Charles H. Hoessle,
General Curator, Deputy Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-307-07____; please refer to this number when submitting comments. All relevant comments received on or before November 22, 1976, will be considered.

Dated: October 15, 1976.

C. R. Bavin,
Chief, Division of Law Enforcement, United States Fish and Wildlife Service.

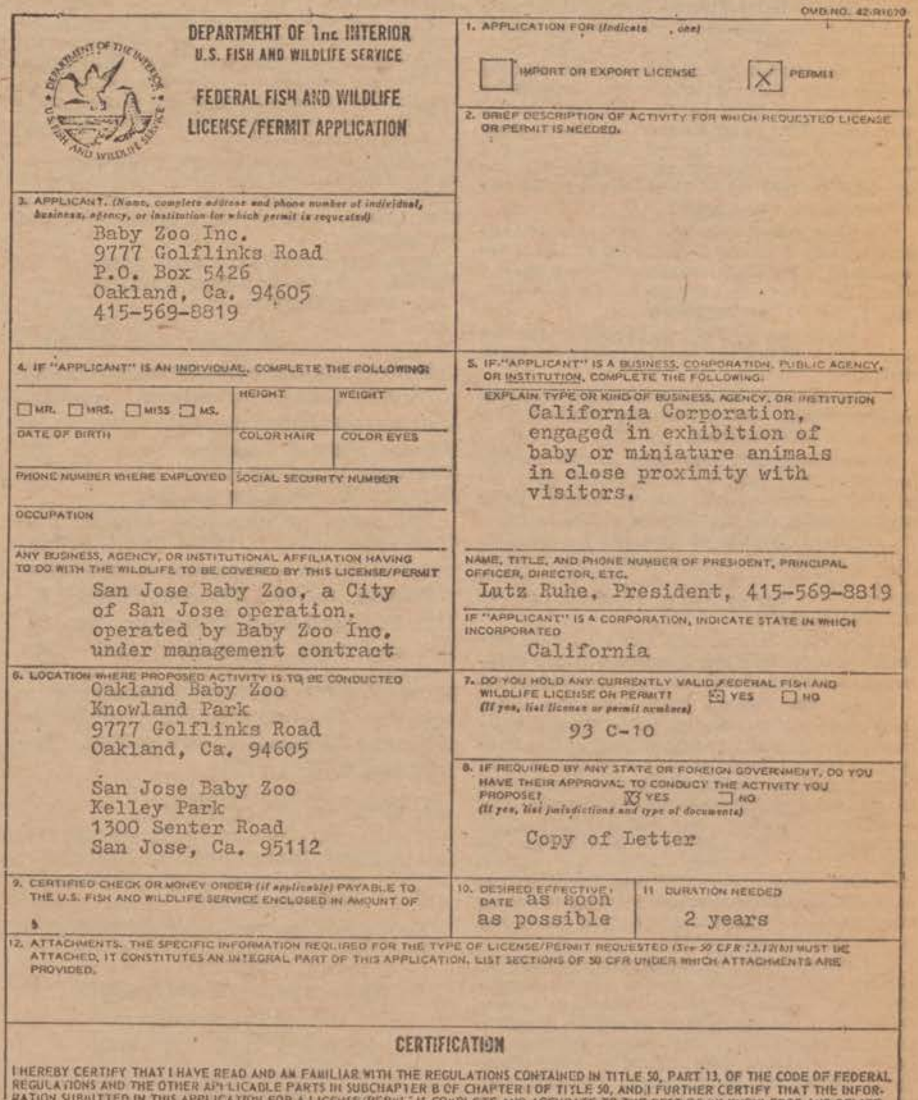
[FR Doc.76-30984 Filed 10-20-76;8:45 am]

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 4(d), 16 U.S.C. 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Baby Zoo, Inc., 9777 Golflinks Road (Post Office Box 5426), Oakland, California 94605, Lutz Ruhe, President.



OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate , one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Baby Zoo Inc.
9777 Golflinks Road
P.O. Box 5426
Oakland, Ca. 94605
415-569-8819

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT
WEIGHT
DATE OF BIRTH
COLOR HAIR
COLOR EYES
PHONE NUMBER WHERE EMPLOYED
SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
San Jose Baby Zoo, a City
of San Jose operation.
operated by Baby Zoo Inc.
under management contract

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
California Corporation,
engaged in exhibition of
baby or miniature animals
in close proximity with
visitors.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Lutz Ruhe, President, 415-569-8819
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
California

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Oakland Baby Zoo
Knowland Park
9777 Golflinks Road
Oakland, Ca. 94605

San Jose Baby Zoo
Kelley Park
1300 Senter Road
San Jose, Ca. 95112

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
93 C-10

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Copy of Letter

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE as soon as possible

11. DURATION NEEDED
2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Pres.
DATE 6-28-76

3-200
(8/74) Lutz Ruhe--
GPO 895-042

BABY ZOO INC.
A RUHE ENTERPRISE

9777 GOLF LINKS ROAD (P.O. Box 5426)
OAKLAND, CALIF. 94605 (415) 569-8819

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

Re: 12. Attachments, FEDERAL REGISTER, Vol. 41, No. 88, pg. 18621.

1. Tiger, panthera tigris; leopard, panthera pardus; jaguar, panthera onca; ringtail Lemur, lemur catta.

Purchase and later sale of baby animals to be used for exhibition purpose only.

2. Animals will be received as bottle babies (cats) and hand raised. We have cages with heated floors and glass fronts to accommodate these animals As the animals mature, larger cages are available (see photos). When the animals are outgrowing our facility they will be offered for sale to be paired with other specimens to propagate the specie.

3. The owner of Baby Zoo Inc. grew up in the zoo business. He represents the fourth generation of exotic animal importers and zoo operators. He has personally cared for all types of baby animals as well as mature ones all his life. For the last 16 years he has been in charge of Baby Animal Zoos and specialized in hand rearing of all types of exotic animals.

The responsible persons under his employ include: Mr. John Fairfield (San Jose Baby Zoo) who has been in the zoo field for 20 years and Mr. Greg Owens (Oakland Baby Zoo) who has been in the field for over 6 years. Keepers directly responsible for the animals welfare have been working at the Baby Zoos for 1 to 4 years.

We have raised over the past 14 years approximately 6 tigers, 2 leopards, 36 lions. We exhibited 2 ringtail lemurs for more than 6 years. The animals were then sold to a German Zoo for a pairing effort.

We have lost no baby cats due to factors other than biological malfunctions or birth defects.

4. We do want to participate in breeding programs and will contribute data if possible with baby animals.

5. We transport baby cats in commercial pet containers sold by airlines. Detailed instructions accompany shipment with prior arrangements for the feeding of the animals (if required) by the airline staff or zoo staff at the airports in a cooperative effort. Most baby animals are hand carried in private automobiles, many being accompanied by staff members.

Appropriate crates are built to suit the needs of the individual animals when shipment of an older animal becomes necessary.

6. Lost one female Tiger—she was killed by a male while being introduced for mating purposes. We tried to prevent this from happening by housing the animals next to each other for many weeks. When the female was in estrous the introduction took place over a period of 4 days. The animals seemed to get along fine for periods of 15 minutes. On the 5th day the male killed the female instantly by a bit in the neck close to the ears. All help from us came in vain. No other animals under consideration here were lost in the preceding 5 years.

7. i. From time to time baby animals of the above mentioned species become available due to various factors (mother rejects the litter, not enough or adequate space to mother raise the litter, poor response by baby to mother's milk, recovery after treatment for injury or sickness). The baby zoo is equipped to raise these animals. We have the staff and facility plus veterinary service who is knowledgeable in this field. By exhibiting these baby carnivora in close proximity with the public we stimulate awareness in the needs of these threatened and all other species. A permit would allow us to function as a baby animal zoo.

ii. The animals would be advertised in the AAZPA Newsletter as is now the custom. Personal contact amongst zoo personnel and licensed dealers is a strong factor in placing these animals for propagation purposes.

NOTE.—We are asking to obtain a permit under the proposed definition 1. Conservation Exhibition "Enhancement of the Survival of the Species". In their baby or juvenile stages. Also under 3. Surplus Pools. Due to their immaturity it would enhance the propagation and survival of the species to relocate the animals until they may be entered into a propagation program.

AUGUST 30, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, United States Department of the Interior, Fish and Wildlife Service, Washington, D.C.

Re: FWS/LE PRT 2-317-25, xPRT 2-111-07.

DEAR CHIEF BAVIN: In response to your letter dated August 25, 1976, we supply the following information.

1. The appropriate number of animals has been supplied in the copy of the application attachments.

2. At any given time we would have facilities for 4 baby animals of the cat species for two locations divided into twos. Sometimes 2 babies of two species. Leopards can be kept longer and in larger litter size due to their smaller size. Ringtail Lemurs can be kept in pairs in two locations.

3. The animals will be kept at our two locations (Oakland and San Jose). They might be exchanged amongest these zoos. No travel is anticipated. They are kept by us until sold or donated.

Should you need any other additional information we will be happy to supply it.

Sincerely yours,

LUTZ RUHE,
President, Baby Zoo Inc.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-317-25; please refer to this number when submitting comments. All relevant comments received on or before November 22, 1976.

Dated: October 15, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, United States Fish and Wildlife Service.

[FR Doc.76-30983 Filed 10-21-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-451]

AMONATE COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Amonate Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Tazewell County, Virginia.

30 CFR 75.1710 provides:

> An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR § 75.1710-1 which in pertinent part provides:

> * * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:
>
> (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
>
> (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
>
> (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
>
> (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
>
> (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
>
> (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner mines coal in the Horsepen coal seam which averages 34 to 38 inches in height.

2. The expected life of this mine is 4 to 5 years.

3. Petitioner has installed canopies on a model No. 28 Lee Norse continuous mining machine and a model No. 6-L Joy shuttle car. The canopies on this equipment is tearing out roof bolts and endangering men's lives.

4. Petitioner feels that canopies cannot be installed on the equipment in this mine under present mining conditions. The equipment used in this mine already comes in contact with the roof at numerous locations due to irregularities in the mine floor. Installation of canopies on Petitioner's equipment would be contrary to good mining practices and also contrary to mandatory standards.

5. Petitioner complies with a very rigid roof control plan and has had no roof falls.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November

22, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

OCTOBER 13, 1976.

[FR Doc.76-30872 Filed 10-20-76;8:45 am]

[Docket No. M 76-491]

H. C. BOSTIC COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), H. C. Bostic Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 27 Mine, located in Russell County, Virginia.

30 CFR 75.1710 provides:

> An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

> * * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:
>
> (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
>
> (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
>
> (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
>
> (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
>
> (5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches;
>
> (ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches; and
>
> (6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.
> * * *

The substance of Petitioner's statement is as follows:

1. Petitioner mines coal in the Widow Kennedy coal seam which varies from 18 to 42 inches in height and averages 30 inches at the site being mined.

2. The expected life of this mine is 3 years.

3. Petitioner feels that canopies cannot be installed on the equipment in this mine under present mining conditions. The equipment used in this mine already comes in contact with the roof at numerous locations. Installation of canopies on Petitioner's equipment would be contrary to good mining practices and also contrary to mandatory standards.

4. The equipment for which Practitioner requests a modification is as follows:

Type	Name	Number	Height (inches)	Length (feet)	Width (feet)	Age (years)
74 S. & S.	Unitrack	1	30	28	9	1
100 S. & S.	Tractor	1	28	14	8	1
Mark 4 Paul's	Roof Bolter	1	28	8	5	1

5. The roof in the mine is firm slate and the floor is sandstone. Petitioner complies with a very rigid roof control plan using 36-inch roof bolts on 4-foot centers. Straight legs are used if needed. Four safety posts are used after clean-up.

6. If canopies are placed on the equipment, the operators of the equipment will have to put their heads outside the mine in order to operate the machines. This position is very hazardous to the operators. It is necessary to remove the canopies from the equipment in order to move the equipment from one section to another.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 22, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

OCTOBER 13, 1976.

[FR Doc.76-30873 Filed 10-20-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Nebraska Grain Inspection Point

Notice is hereby given pursuant to section 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on August 24, 1976, there was published in the FEDERAL REGISTER (41 FR 35738) a notice announcing a request by Hastings Grain Inspection, Inc., Hastings, Nebraska, that its assignment of inspection points be amended to add Ogallala, Nebraska, as a designated inspection point. Interested persons were given until September 20, 1976, to submit written views and comments with respect to the proposed amendment of assignment.

Two comments were received with respect to the August 24, 1976, notice in the FEDERAL REGISTER. Both of the comments supported the proposed amendment of assignment. After due consideration of all submissions made pursuant to the notice of August 24, 1976, and all other relevant matters, the assignment of Hastings Grain Inspection, Inc., Hastings, Nebraska, is amended to add Ogallala, Nebraska, as a designated inspection point.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476.)

Effective date: This notice shall become effective October 21, 1976.

Done in Washington, D.C. on October 15, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-30970 Filed 10-20-76;8:45 am]

Farmers Home Administration

[Notice of Designation Number A380]

GEORGIA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Gordon County, Georgia, as a result of excessive rainfall and flooding July 6 through July 14, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor George Busbee that such designation be made.

Applications for emergency loans must be received by this Department no later than December 7, 1976, for physical losses and July 7, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 13th day of October 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76-30886 Filed 10-20-76;8:45 am]

[Notice of Designation Number A382]

NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Cavalier County, North Dakota, as a result of severe hailstorms July 10 and 19, 1976, and August 20, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1823.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for emergency loans must be received by this Department no later than December 7, 1976, for physical losses and July 7, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 13th day of October 1976.

Frank B. Elliot,
Administrator,
Farmers Home Administration.

[FR Doc.76–30887 Filed 10–20–76;8:45 am]

Forest Service

BUZZARD SWAMP UNIT PLAN, ALLEGHENY NATIONAL FOREST, PA.

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement on the Buzzard Swamp Unit Plan for the Allegheny National Forest, USDA–FS–R9–DES–(ADM)–77–02.

The environmental statement concerns a proposed 10 year management plan for 9,700 acres of National Forest land in the Buzzard Swamp Unit, Allegheny National Forest. The Buzzard Swamp Unit lies within Jenkins Township, Forest County; and Millstone Township, Elk County, Pennsylvania.

This draft environmental statement was transmitted to CEQ on October 14, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave., SW., Washington, D.C. 20250
USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee Wisconsin 53203
USDA, Forest Service, Allegheny National Forest, Spiridon Building, P.O. Box 847, Warren, Pa. 16365

A limited number of single copies are available upon request to Forest Supervisor, Allegheny National Forest, P.O. Box 847, Warren, Pennsylvania 16365.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Written comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Allegheny National Forest, P.O. Box 847, Warren, Pennsylvania 16365. Written comments must be received by December 13, 1976, in order to be considered in the preparation of the final environmental statement.

J. S. Tixier,
Acting Regional Forester.

October 14, 1976.

[FR Doc.76–30953 Filed 10–20–76;8:45 am]

CARIBOU NATIONAL FOREST GRAZING ADVISORY BOARD COMMITTEE

Meeting

The Caribou National Forest Grazing Advisory Board Committee will meet at 1:30 p.m., November 30, 1976, at the Forest Supervisor's Office, 427 North Sixth Street, Pocatello, Idaho.

The purpose of this meeting is to discuss local and national policies concerning the management of the Forests as it relates to Forest grazing permittees. Some subjects that could be discussed are: the depressed state of the economy in the livestock industry, benefits or disadvantages of the mid-week opening of big game seasons, importance of maintaining range allotment fences and water developments, invasion of noxious weeds and accelerated program planned for their control, status of the phosphate mining EIS and the Diamond Creek Land Use Plan, and realignment of the Caribou and Targhee National Forests.

The meeting will be open to the public. Persons who wish to attend should notify the Caribou National Forest, P.O. Box 4189, Pocatello, Idaho 83201, or phone 208–232–1142. Written statements may be filed with the Board before or after the meeting. Public participation will be scheduled following the close of the regular schedule of business.

Dated: October 7, 1976.

Glenn S. Bradley,
Acting Forest Supervisor.

[FR Doc.76–30954 Filed 10–20–76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE OF THE AMERICAN ECONOMIC ASSOCIATION

Rescheduling of Public Meeting

Notice is hereby given that the Census Advisory Committee of the American Economic Association has been rescheduled from October 22, 1976, to December 3, 1976, at 9:15 a.m. in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

Dated: October 18, 1976.

Robert L. Hagan,
Acting Director,
Bureau of the Census.

[FR Doc.76–30926 Filed 10–20–76;8:45 am]

Domestic and International Business Administration

UNIVERSITY OF DAYTON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00422. Applicant: University of Dayton, 300 College Park, Dayton, Ohio 45469. Article: Electron Spectrometer, Model ES 100B and accessories. Manufacturer: AEI, United Kingdom. Intended use of article: The article is intended to be used for x-ray excited photoelectron spectroscopy of solids, liquids and gases with both polychromatic and monochromatic excitation and for ultraviolet radiation excited photoelectron spectroscopy of both solids and gases. Spectroscopic experiments will be done for the purpose of characterization of new chemical compounds, both organic and inorganic; for analysis of compounds and mixtures for elements in particular oxidation states; for determination of changes in oxidation states of elements when reactions take place; for study of catalytic gas-surface reactions of multiple samples and for study of bonding in gaseous and solid compounds. The article will also be used for MS and Phd dissertation work in the Physics, Chemistry and Biology departments.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the

United States. Reasons: The foreign article provides (a) monochromatic aluminum x-rays (b) variable energy x-ray sources other than aluminum (c) electron energy analysis capability to energies in excess of 5 kiloelectron volts and (d) an ultraviolet light source. The National Bureau of Standards (NBS) advises in its memorandum dated September 24, 1976 that all the specifications of the article described above are pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-30921 Filed 10-20-76;8:45 am]

ASSEMBLY, PACKAGING AND TEST SUBCOMMITTEE OF THE SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Assembly, Packaging and Test Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held on Friday November 12, 1976 at 9:30 a.m. in Room 3817, Main Commerce Building 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. sec. 2404(c)(1) and the Federal Advisory Committee Act. The Assembly, Packaging and Test Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was established on March 4, 1976, by the Director, Office of Export Administration, pursuant to the Charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Assembly, Packaging and Test Subcommittee was formed to provide advice to the Committee with respect to equipment for completing microelectronic circuit assemblies and for testing circuits during production or at final test stations.

The Subcommittee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Review by the Subcommittee of the equipment in the assembly, packaging and test equipment area in terms of strategic importance as related to the manufacture of silicon devices.

(4) General discussion on the worldwide availability of such equipment.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on January 30, 1976 (41 FR 4623).

Dated: October 18, 1976.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-30986 Filed 10-20-76;8:45 am]

MATERIAL PREPARATION SUBCOMMITTEE OF THE SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Material Preparation Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held on Thursday, November 11, 1976 at 9:30 a.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Material Preparation Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was established on March 3, 1976, by the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Material Preparation Subcommittee was formed to provide advice to the Committee with respect to methods and equipment used for the preparation of semiconductor materials.

The Subcommittee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee's Acting Chairman.

(2) Presentation of papers or comments by the public.

(3) Report on activities since last Subcommittee meeting.

(4) Statement of future activities and schedule for actions.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Semiconductor Manufacturing Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on January 30, 1976 (41 FR 4623).

Dated: October 18, 1976.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-30987 Filed 10-20-76;8:45 am]

National Oceanic and Atmospheric Administration

DONALD B. SINIFF

Modification No. 1 to Permit No. 112

Pursuant to section 216.33(d) of the Regulations Governing the Taking and Importing of Marine Mammals and Section C-61 of Permit No. 51 issued to Dr. Donald B. Siniff, Associate Professor, Department of Ecology and Behaviorial Biology, University of Minnesota, St. Paul, Minnesota 55101, on October 2, 1974, said Permit is hereby modified as follows:

1. Section A-3 is modified by deleting Section A-3a and substituting therefor the following:

A-3a—"Four hundred fifty (450) crabeater seals (*Lobodon carcinophagus*) for tagging, extraction of toenails, teeth, and drawing blood samples."

The Director, National Marine Fisheries Service, in consultation with the Marine Mammal Commission has determined that this modification is consistent with the purposes and policies of the Marine Mammal Protection Act of 1972, and will permit conducting studies on a unique population of marine mammals and thereby increase knowledge of the condition of the stock and methods for their protection and conservation.

Documents submitted in connection with the above modification are available for review in the following office:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Dated: October 19, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-31133 Filed 10-20-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Filing of Annual Reports

Notice is hereby given that pursuant to section 13 of Public Law 92-463 (5 U.S.C. Appendix I), Annual Reports for the following Alcohol, Drug Abuse, and Mental Health Administration Committees have been filed with the Library of Congress:

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism
Minority Advisory Committee, ADAMHA
National Advisory Council on Alcohol Abuse and Alcoholism
National Panel on Alcohol, Drug Abuse, and Mental Health

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, and on weekdays between 9 a.m. and 4:30 p.m., at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-6791.

Dated: October 14, 1976.

JAMES D. ISBISTER,
Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-30864 Filed 10-20-76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the National Advisory Council on Adult Education will conduct an orientative session for new Council members (if appointments have been made) on November 4, 176, from 5:30 p.m. to 11:00 p.m., and on November 5, 1976, from 9:00 a.m. to 4:00 p.m., Office of the National Advisory Council on Adult Education, Room 323, Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C.

The National Advisory Council on Adult Eduction is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governng the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

This orientative session shall be open to the public, and any inquiries may be directed to the Executive Director by writing or telephoning (202) 376-8892.

The proposed agenda will include swearing-in ceremonies on November 5, 1976, with the remainder of time devoted to discussion of Presidential Council operational procedures.

Records shall be kept at all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C. 20004).

Signed at Washington, D.C., on October 18, 1976.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.76-30917 Filed 10-20-76;8:45 am]

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the meeting of the National Advisory Council for Career Education will be held on

November 9, 1976 from 1:30 p.m. to 5:00 p.m. at the Astroarena in Room 114 and November 10, 1976 from 2:00 p.m. to 4:00 p.m. at the Astroworld Hotel both located at I-610 South Loop at Kirby, Houston, Texas.

The National Advisory Council for Career Education is established under section 406 of the Education Amendments of 1974, Pub. L. 93-380, (88 Stat. 552, 553). The Council is directed to:

Advise the Commissioner of Education on the implementation of section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in section 406. The Council with the assistance of the Commissioner conducted a survey and assessment of the current status of career education programs, projects, curricula and materials in the United States and submitted to Congress a report on such survey.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

TUESDAY, NOVEMBER 9, 1976

PUBLIC HEARING

Overview on Title IV, Section 406 of Pub. L. 93-380—Dr. Shertzer, Chairperson, National Advisory Council for Career Education.

Statements by Public Participants.

Overview on Title III, Part C, of Pub. L. 94-482—Dr. Shertzer, Chairperson, National Advisory Council for Career Education.

Suggestions by Public Participants for the Implementation of Pub. L. 94-482.

WEDNESDAY, NOVEMBER 10, 1976

Discussion on Title III, part C of Pub. L. 94-482—Dr. Shertzer, Chairperson, National Advisory Council for Career Education.

Discussion of the Commissioner's Conference on Career Education.

Discussion of the Proposed Recommendations for the Annual Report of the National Advisory Council for Career Education.

Records shall be kept of all Council proceedings (and shall be available for public inspection) at the Office of Career Education, located in Room 3100, ROB No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed at Washington, D.C., this 18th day of Ocober 1976.

JOHN LINDIA,
Delegate, National Advisory Council for Career Education.

[FR Doc.76-30919 Filed 10-20-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON BILINGUAL EDUCATION

Public Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) that a meeting of the National Advisory Council on Bilingual Education will be held from 9:00 a.m. until 4:00 p.m. on November 11, 1976 at the Holiday Inn—Union Square, 480 Sutter Street, San Francisco, California. On November 12, 1976, at the Holiday Inn—Union Square, 480 Sutter Street, San Francisco, California, from 9:00 a.m. until 4:00 p.m. the National Advisory Council on Bilingual Education will hold public hearings. On November 13, 1976, at the Holiday Inn—Union Square, 480 Sutter Street, San Francisco, California, the Committee on Public Hearings of the National Advisory Council on Bilingual Education will hold a meeting from 9:00 a.m. until 12:00 p.m.

The National Advisory Council on Bilingual Education is established pursuant to section 732(a) of the Bilingual Education Act (20 U.S.C. 880b-11) to advise the Secretary of Health, Education and Welfare and the Commissioner of Education concerning matters arising in the administration of the Bilingual Education Act.

The meetings shall be open to the public. The proposed agenda includes:

NOVEMBER 11, 1976

Program Delegate's Report.

OLD BUSINESS

Reports from Committees. Up-date Calendar of Events.

NEW BUSINESS

Selection of Dates for up-coming Meetings and Hearings. Discussion of Issue Papers.

NOVEMBER 12, 1976

PUBLIC HEARINGS

Consonant with the Council's charge to provide advice on matters related to the administration of the aforementioned Act, testimony will be heard on the following subjects:

(a) Maintenance vs. Transitional Bilingual Education.

(b) Capacity Building—1. Teacher Training. 2. Support Services.

(c) Service vs. Demonstration vs. Start-Up Costs.

(d) Serving Diverse Language Groups.

(e) Research Needs.

The following procedures shall be observed during the public hearings:

1. Witnesses shall limit their testimony to twenty-five minutes: Ten to fifteen minutes of formal presentation followed by ten to fifteen minutes of questioning from Council members;

2. Two or more persons from the same organization shall designate one person to speak for the group;

3. Witnesses shall present a written synopsis of their oral presentation. Witnesses who do not provide such a synopsis shall be placed last on the agenda;

4. The written synopsis must be in English, although any witness may address the Council in his native language if he so desires;

5. All testimony shall be tape-recorded.

NOVEMBER 13, 1976

Meeting of the Committee on Public Hearings.

In the event that the proposed agenda is completed prior to the projected date or time, the Council will adjourn the meeting.

Records shall be kept of all meetings of the Council and shall be available for public inspection in Room 421, Reporter's Building, 300 7th Street, SW., Washington, D.C. 20202.

Signed at Washington, D.C., on October 13, 1976.

JOHN C. MOLINA,
Director,
Office of Bilingual Education.

[FR Doc.76-30929 Filed 10-20-76;8:45 am]

Food and Drug Administration

[Docket No. 76N-0290; DESI 8447]

CERTAIN ANTINEOPLASTIC RADIOACTIVE AGENTS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

Correction

In FR Doc. 76-27563, appearing at page 41131 in the issue of Tuesday, September 21, 1976, in the third column on page 41131 in paragraph "3. *Marketing status.*" the next to the last line in that paragraph now reading "application form FD 365H * * *" should read "application form FD 356H * * *."

Health Resources Administratoin

NURSING RESEARCH AND EDUCATION ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, (5 U.S.C. Appendix I), the Health Resources Administration announces the renewal by the Secretary, HEW, on September 29, 1976, with the concurrence by the Office of Management and Budget Committee Management Secretariat, of the following advisory committee:

Committee: Nursing Research and Education Advisory Committee. Termination Date: September 30, 1978.

Authority for this Committee will expire on the date indicated, unless the Secretary formally determines that continuance is in the public interest.

Dated: October 18, 1976.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.76-30918 Filed 10-20-76;8:45 am]

Health Services Administration

NEW JERSEY STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCIL

Nominations for Public Member Positions

Notice is hereby given that pursuant to section 1162(b) of the Social Security Act (the Act) (42 U.S.C. 1320c-11(b)), nominations are being accepted for public member positions on the New Jersey Statewide Professional Standards Review Council (Statewide Council). Section 1162(a) of the Act mandates that a Council shall be established in each State where there are located three or more Professional Standards Review Organizations (PSROs). As there are now located four conditional PSROs in New Jersey, the New Jersey Statewide Council is being formed.

The PSRO program is established under Title XI, Part B of the Act, enacted by the 1972 Amendments to the Act (Pub. L. 92-603) to provide for physician-directed review of the utilization and quality of medical care services paid for by the Medicare, Medicaid, and Maternal and Child Health and Crippled Children Services programs. The Statewide Council component of the PSRO program will perform a number of functions, including: (1) coordinating activities of PSROs and disseminating information and data among PSROs in the State under section 1162(e) of the Act; (2) reviewing PSRO reconsiderations under section 1159(a) of the Act; (3) reviewing PSRO sanction reports under section 1157 of the Act; (4) using its influence to assure that practitioners and providers comply with the obligations of the legislation under section 1160(c) of the Act; (5) assisting the Secretary of Health, Education, and Welfare in developing uniform data gathering and operating procedures among PSRO's in the State, in evaluating PSRO performance, and, should it become necessary, in developing and arranging for a qualified replacement for a PSRO under section 1162(c) of the Act.

There will be four public representatives on the Statewide Council. Persons or organizations wishing to submit nominations for public members are advised that each nominee will be considered by the Secretary on the basis of whether such nominee is:

(1) Knowledgeable about health care in New Jersey as provided under the Maternal and Child Health and Crippled Children Services, Medicare and Medicaid programs (Titles V, XVIII, XIX of the Social Security Act respectively).

(2) Willing and able to represent the interests of the public; and

(3) Willing and able to discharge the responsibilities of membership in the Statewide Council.

Special consideration will be given to qualified representatives of organizations and groups which are not otherwise included on the Statewide Council (PSRO representatives or physician representatives) or on the Statewide Council Advisory Group (nonphysician health care practitioners, hospitals, and other health care facilities). Since nominees for public member positions on the Statewide Council should represent a broad segment of public interest, involvement in community activities should be outlined in the curriculum vitae submitted with the nomination.

After due consideration of all nominees, including nominees of the Governor of New Jersey, the Secretary of Health, Education, and Welfare will appoint four public representatives, at least two of whom shall have been recommended by the Governor under section 1162(b)(3) of the Act.

All nominations from the general public for public member positions on the Statewide Council, together with a curriculum vitae, should be sent to Nicholas J. Galluzzi, M.D., Regional Health Administrator at Department of Health, Education, and Welfare, Region II Office, Room 3300, 26 Federal Plaza, New York, New York 10007. To ensure consideration, nominations should be received on or before December 20, 1976. Further information concerning the nature and function of the Statewide Council and the role of public members in Council activities may be obtained by contacting the Office of the Regional Health Administrator at (212) 264-2561.

Dated: October 12, 1976.

LOUIS M. HELLMAN,
Administrator,
Health Services Administration.

[FR Doc.76-30958 Filed 10-20-76;8:45 am]

Office of the Secretary

NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Meeting

The National Advisory Council on Services and Facilities for the Developmentally Disabled was established by section 133(a)(1) of Pub. L. 91-517, which was signed on October 30, 1970, to advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of the Act and study and evaluate programs authorized by the Act with a view to determining their effectiveness in carrying out the purposes for which they were established.

Notice is hereby given, pursuant to Pub. L. 92-463 that the National Advisory Council on Services and Facilities for the Developmentally Disabled will hold a meeting on November 15, 16, and 17, 1976. The meeting will be in Room 5051 North, Department of Health, Education, and Welfare, 330 Independence Avenue, SW., Washington, D.C., from 9:00 a.m. to 5:00 p.m. Agenda: Annual Report, Draft Performance Standards, final responses to Regulations, Draft Research and Evaluation Strategy, and Final Report of the University-Affiliated Facilities' Blue Ribbon Task Force.

The meeting is open for public observation.

Further information on the Council may be obtained from Francis X. Lynch, Executive Secretary, National Advisory Council on Services and Facilities for the Developmentally Disabled, Room 3070 Switzer Building, 330 C Street, SW., Washington, D.C. 20201, telephone: 202-245-0335.

FRANCIS X. LYNCH,
Executive Secretary.

OCTOBER 12, 1976.

[FR Doc.76-30883 Filed 10-20-76;8:45 am]

REVIEW PANEL ON NEW DRUG REGULATION

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 USC 217a. by the Secretary of Health, Education, and Welfare, on February 21, 1975, will meet on Sunday, November 7, 1976, at 5:30 p.m. and on Monday, November 8, 1976, at 8:30 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, S.W., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration. The meeting is open to the public.

Further information on the Review Panel may be obtained from John D. Rust, Executive Secretary, Review Panel on New Drug Regulation, Room 3510, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 472-3000.

JOHN D. RUST,
Executive Secretary,
Review Panel on New Drug Regulation.

OCTOBER 13, 1976.

[FR Doc.76-30874 Filed 10-20-76; 8:45 am]

Social and Rehabilitation Service

DEPUTY ADMINISTRATOR, ET AL.

Order of Succession of Key Officials to Emergency Authority

Notice is hereby given that pursuant to the requirements contained in section 102(b) of Executive Order 11490, as amended by Executive Order 11921 (41 F.R. 24294-24336), and Office of Emergency Preparedness Circular 9110.1A, the Administrator, Social and Rehabilitation Service has designated an order of succession for emergency succession of key officials to the position of Administrator, Social and Rehabilitation Service in order to assure continuity of leadership in the event of national emergency and to assure rapid response to emergency situations in all areas where actions may be required. This order reads as follows:

Order of Succession of Key Officials to Emergency Authority. In the event of a National emergency, or upon activation of the Emergency Welfare Service, or order of the Secretary of Health, Education, and Welfare, the first official listed below who is available shall act as Administrator, Social and Rehabilitation Service during my absence or disability:

1. Deputy Administrator.
2. Commissioner, Medical Services Administration.
3. Commissioner, Assistance Payments Administration.
4. Commissioner, Public Services Administration.
5. Associate Administrator for Management.
6. Associate Administrator for Information Systems.
7. Associate Administrator for Planning, Research and Evaluation.
8. Regional Commissioner, SRS, Region III.
9. Regional Commissioner, SRS, Region VII.
10. Regional Commissioner, SRS, Region VIII.
11. Regional Commissioner, SRS, Region X.
12. Regional Commissioner, SRS, Region IV.

Officials holding these positions who also have military Ready Reserve assignments are excluded from the order of succession.

Each of the officials listed in this succession order, upon their succession to the position of Administrator, Social and Rehabilitation Service, shall be empowered to make policy determinations and decisions.

During my absence or disability and in the event of a National emergency, each official in the order of succession will be notified of such absence or disability. They will be notified through regular channels of communication, e.g., by telephone, in meetings, if possible. If regular channels of communication are disrupted, they will be notified by other means, e.g., telegraph or radio.

Tenure of authority shall continue until my successor is relieved by someone higher in the order of succession or myself. This order of succession will be effective on October 1, 1976.

Dated: October 5, 1976.

ROBERT FULTON,
Administrator,
Social and Rehabilitation Service.

[FR Doc.76-30882 Filed 10-20-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—FHA Commissioner

[Docket No. N-76-653]

HOME MORTGAGES IN DEFAULT

Acceptance of Assignment; Correction

The above Notice appeared at page 43431 in the FEDERAL REGISTER of October 1, 1976; the Department of Housing and Urban Development, published HM Mortgagee Letter 76-9 and Notice HM 76-43. Paragraphs b through g of section 3 of 76-9 were omitted and Appendices 1 through 8, which relate to Notice HM 76-43, incorrectly placed with materials dealing with HM Mortgagee Letter 76-9.

They are republished here in their entirety ot provide proper and complete notification to the general public of the Department's policy and practice in the area.

Issued at Washington, D.C., October 14, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[HM Mortgagee Letter 76-9]

ACCEPTANCE OF ASSIGNMENT OF HOME MORTGAGES IN DEFAULT

1. *Purpose:* The purpose of this letter is to announce the Department's policy in connection with the acceptance of home mortgages in default in order to avoid foreclosure and to promulgate procedures for the implementation of that policy. The following instructions are effective immediately and, pending revision of Handbook 4191.1, Administration of Insured Home Mortgages, supersede the instructions in paragraph 126 of that Handbook.

2. *General.* Effective immediately, HUD will accept assignment of any fully insured mortgage if all the criteria in paragraph 3 below are met. Any mortgagor owning a home subject to a fully insured mortgage, regardless of the section of the National Housing Act under which the mortgage is insured, is entitled to a conference with a responsible representative of HUD before the mortgage is foreclosed, unless the Department agrees to accept assignment of the mortgage without such a conference. This Mortgagee Letter applies to all HUD-insured single family mortgages, except single family mortgages coinsured by HUD pursuant to Section 244 of the National Housing Act.

In any case where the mortgagor has voluntarily abandoned the mortgaged property, the mortgagee may initiate foreclosure without adhering to the procedures for assignment set forth in this Mortgagee Letter.

The requirements of this Letter shall be applicable to each mortgagee's HUD-insured portfolio. If servicing functions are performed by a contract servicer, it is the responsibility of the mortgagee to insure that the servicer meets these requirements.

3. *Eligibility criteria.* All of the following criteria must be met in order for the mortgage to be eligible for assignment. If the criteria are met, the mortgagee shall request that the Secretary accept assignment of the mortgage.

a. The mortgagee must have indicated to the mortgagor its intention to foreclose the mortgage.

b. At least three full monthly installments must be due and unpaid under the mortgage.

c. The mortgaged property must be the principal residence of the mortgagor, unless this criterion is waived by HUD.

d. The mortgagor must not own other property subject to a mortgage insured or held by HUD, unless this criterion is waived by HUD.

e. The default must have been caused by a circumstance or set of circumstances beyond the mortgagor's control which temporarily renders the family financially unable to cure the delinquency within a reasonable time or make full mortgage payments. Examples of qualifying reasons for default include, but are not limited to:

(1) Curtailment of family income, such as unemployment or underemployment; loss, reduction or delay in receipt of federal, state, municipal benefits (e.g. Social Security, Supplemental Security Income, Public Assistance, government pensions) or of private benefit payments (e.g. pensions, annuities, retirement plans); loss of support payments, or other loss of income due to divorce or separation.

(2) Uninsured damage to the mortgaged property, affecting its livability, of a type which is commonly insured against but which was not covered or not fully covered by insurance because adequate insurance coverage was not available.

(3) Death or illness in the mortgagor's household or expenses attributable thereto.

(4) Unanticipated increase of payments to mortgage escrow account to compensate for past underestimates of requirements.

f. There must be a reasonable prospect that the mortgagor will be able to resume full mortgage payments after a temporary period of reduced or suspended payments not exceeding 36 months, and will be able to pay the mortgage in full by its maturity date, extended, if necessary, by up to ten years if, on the date of assignment, ten years or more have elapsed since the due date of the first payment under the mortgage.

g. The mortgagee must have done everything it might reasonably be expected to do to avoid foreclosure.

4. *Mortgagee decisions.* In every case in which the mortgagee decides to foreclose, it must decide prior to initiating foreclosure whether or not to request that HUD accept assignment of the mortgage to avoid the foreclosure. If all of the criteria listed in paragraph 3 above are met, HUD must be requested to accept assignment and, if such a request is made, must have rejected it, before foreclosure is started.

5. *Notice to mortgagors*—a. *When the Mortgagee is Considering Foreclosure.*

(1) *Time of Notice.* No sooner than five days after the date three full monthly installments are due and unpaid under the mortgage, but in any event prior to instituting foreclosure or acquisition of the mortgaged premises, the mortgagee shall send to the mortgagor a notice as below prescribed.

(2) *Content of Notice.* The notice shall advise the mortgagor of the following:

(a) He is now in default, and the mortgagee intends to foreclose unless he cures the default or alternative relief is afforded.

(b) If the default is due to circumstances beyond his control, he may be eligible for relief in lieu of foreclosure by assignment of the mortgage to HUD.

(c) The mortgagee is currently considering whether or not to apply to HUD for assignment of the mortgage.

(d) He will be advised shortly of the mortgagee's decision in writing.

(e) If he wishes to contact the mortgagee concerning his eligibility for assignment, he may write, call or visit the mortgagee.

(f) If he does not understand his rights, he is admonished to secure assistance from an attorney or HUD-approved counseling agency.

An acceptable form of notice is attached hereto as Exhibit 1, and its use is suggested, although it may be modified to suit the mortgagee if it still includes the items above designated.

b. *When the Mortgagee Decides to Request that HUD Accept Assignment.* The mortgagor shall be notified of the request by a letter including the substance of Exhibit 2. The letter must include a statement that HUD has been requested to accept assignment of the mortgage and it must enclose Form 2068F with item 14 completed. Instead of asking the mortgagor to mail the completed Form 2068F to it, the mortgagee may give the mortgagor the option of visiting its office for the purpose of completing the form.

c. *When the Mortgagee Decides Not to Request that HUD Accept Assignment.* The mortgagor shall be notified of the decision by a letter including the substance of Exhibit 3. The letter must include a statement that the mortgagee has decided to foreclose and has decided not to request that HUD accept the assignment, and it must identify the specific criteria for assignment identified in paragraph 3, above, which were not met. The letter must describe the mortgagor's right to request that HUD accept the assignment, with a brief explanation of the effect of assignment, specify the fifteen day time limit within which the mortgagor must act, and admonish him to seek legal or professional assistance if he does not understand his rights and obligations.

d. *Spanish Language Warning.* The letter required by paragraph 5b and the notice of decision required by paragraph 5c shall contain at the bottom thereof a warning to Spanish-speaking mortgagors to have the notice translated, as follows:

"ESTES ES UN AVISO MUY IMPORTANTE QUE AFECTORA SU DERECHO A CONTINUAR VIVENDO EN SU CASA. SI NO PUEDE LEERLO, HABALO TRADUCIR IMMEDIATAMENTE. A MEMOS QUE RESPONDA DEN-

TRO DE QUINCE (15) DIAS A PARTIR DE LA FECHA QUE TENGA EL AVISO, UD. PUEDE PERDIR SU CASA EN FUTURO."

e. *Time Limits.* All time limits for the sending of notices required by this Mortgagee Letter, and for mortgagors required responses shall be deemed to be calendar days, unless otherwise expressly stated. If the last day for sending any notice, performing any act or making any response falls on a Saturday, Sunday or legal holiday, the last day for sending such notice, doing such act or making such response shall be the next following regular working day.

6. *Notice to HUD.*—a. *Negative decisions.* If the mortgagee decides not to request that HUD accept assignment of the mortgage, HUD need not be notified of that decision, although the mortgagor must be notified as prescribed in paragraph 5c, above.

b. *Positive Decisions.* When the mortgagee decides to request that HUD accept assignment of the mortgage, it must notify the mortgagor and HUD simultaneously. The notification to HUD shall be in the form of a letter requesting that assignment be accepted and accompanied by the following:

(1) A copy of the notice to the mortgagor required by paragraph 5b, above.

(2) A copy of the related ledger record or payment record card reflecting the payment history on the account since inception of the loan or, if the indebtedness was assumed by the present mortgagor, since the assumption.

(3) Copies of all related collection records documenting the efforts of the mortgagee's staff to collect the debt and the mortgagor's reactions to those efforts.

(4) Copies of FNMA Forms 145 or similar reports to the investor recommending any action requiring approval of the investor. If no such formal reports or recommendations were made, substitute a brief narrative description of the reasons for the default, as seen by the mortgagee, and the basis on which the decision to foreclose was made.

(5) A brief statement of mortgagee's opinion as to the probability of restoring the mortgage to good standing and the reasons for that opinion.

(6) A completed Form 2068F. Pending revision of this form, item 14 shall be completed by the mortgagee before it is given to the mortgagor.

7. *Providing material to HUD.* When a mortgagee has notified a mortgagor that it intends to foreclose the mortgage and does not intend to request that HUD accept assignment of the mortgage, the mortgagor has fifteen days in which to request that HUD accept assignment of the mortgage during which the mortgagee must withhold foreclosure. If the mortgagor responds within this time period, HUD will direct the mortgagee to delay the initiation of foreclosure. HUD also will ask that the mortgagee provide the documentary information described in paragraph 6, above, except the completed Form 2068F. Mortgagees shall respond promptly to such requests and should remember that delays in responding will only serve to delay the date on which the mortgage can either be foreclosed or assigned to HUD.

8. *Mortgagee actions*—a. *General.* Mortgagees must take, or refrain from taking, actions as indicated below. Deviations from these requirements shall cause HUD to consider suspending or withdrawing the mortgagee's approval to participate in the Department's programs or mortgage insurance.

b. *Mortgagee Actions.* Mortgagees shall not initiate any action leading to forecloseure of the mortgage, acquisition of the mortgaged property without the consent of the mortgagor, or dispossession of the mortgagor until HUD's consideration of whether or not to accept an assignment is completed. Mortgagees must also honor, immediately, directions from HUD that mortgages be assigned. Whenever any mortgagee refuses to honor HUD's direction to assign, or refuses to refrain from foreclosure, acquisition, or dispossession as above described pending HUD's determination on accepting assignments, the circumstances will be reported to the Director, Single Family Housing Division, Office of Loan Management, who shall take appropriate action, including, if warranted, recommending suspension or withdrawal of the mortgagee's approval to the Mortgagee Review Board. HUD field office Directors are instructed to process requests that assignment be considered as rapidly as possible, and the mortgagee will be notified, by telephone and by mail, as soon as any decision has been reached.

c. *Granting Additional Relief.* When the mortgagee is advised by HUD that assignment of a mortgage will not be accepted because the criterion described in paragraph 3g above has not been met, specific additional relief measures deemed reasonable by the Director will be prescribed. Mortgagees are expected to grant such relief.

9. *Mortgages now in foreclosure.* With regard to all fully insured single family mortgages in the process of foreclosure or acquisition on the effective date of this Mortgagee Letter, where no final court judgment has been entered pursuant to judicial foreclosure, or where no sale of the mortgaged property has taken place under a power of sale, mortgagees shall stay any foreclosure suit, seeking leave of court where necessary, or shall defer any sale until after such mortgagees have considered whether mortgagors are eligible for assignment and have afforded mortgagors an opportunity for review and final determination by HUD in accordance with the provisions of this Mortgagee Letter. Field Office Directors are to give priority to processing requests involving cases already in foreclosure.

10. *Effect of assignment.* Mortgagees are reminded that assignment of a mortgage to the Secretary has advantages over completion of foreclosure to all parties: The mortgagor is provided an added opportunity to prevent foreclosure permanently, and HUD gains the potential for recovering all or a significant part of the amount paid in the mortgage insurance claim to the mortgagee. The mortgagee, however, benefits most. If the mortgage is foreclosed and a claim for mortgage insurance benefits is paid, the mortgagee loses two months' interest completely and is paid interest at the lower debenture rate from the date of default to the date of settlement of the claim. Further, it is reimbursed for only two thirds of the cost of completing the foreclosure. If, on the other hand, the mortgage is assigned, the claim includes all unpaid mortgage interest to the date of assignment, as well as all costs of completing the assignment. Mortgagees should consider these facts carefully in determining whether to request that HUD accept assignments of mortgages.

Exhibit 1

[LETTERHEAD OF MORTGAGEE]

DEAR --------: Your mortgage is in default in the amount of $------ covering the months of -------- and late charges. Unless you are able to cure this default by promptly remitting the above amount to this office, we intend to commence foreclosure of your mortgage.

However, if the default was caused by circumstances beyond your control, you may be eligible for an assignment of your mortgage to the Department of Housing and Urban Development (HUD) to avoid foreclosure. If HUD were to accept assignment of your mortgage, it would become your lender and might be able to work out a more favorable payment plan whereby your mortgage payments might be reduced or suspended for a period of time or you might be allowed to cure the default by making only small additional payments with your monthly mortgage payments.

We are currently considering whether you meet the criteria for assignment specified in the HUD regulations. If we find that you do, we will request HUD to accept an assignment of your mortgage. If we decide that you do not, we will proceed with foreclosure, unless you seek further review of that decision by HUD. In either case, you will be advised shortly of our decision.

If you have any questions or wish to give us information concerning your eligibility for an assignment, please call -------- at (---) ---–--- or visit him/her at our office. If you do not understand what this means to you, you might want to contact one of the agencies listed in the HUD booklet we sent you recently or seek legal advice.

Sincerely,

Exhibit 2

[LETTERHEAD OF MORTGAGEE]

DEAR --------: Your mortgage is in serious default and we have decided that we are unable to provide any additional assistance to you in your attempts to save your home. We have, however, decided to ask that the Department of Housing and Urban Development (HUD) accept assignment of your mortgage to avoid foreclosure.

If HUD agrees to our request, HUD will become your lender and your future payments will be made directly to HUD. You may be able to work out some arrangement which will make it possible for you to bring your mortgage account current and save your home.

We are including a copy of Form 2068F. This asks several questions about your financial situation and your plans for the future. Answers to those questions are needed if HUD is to make a decision in your case. You must complete the form as fully as possible and return it to us Within 15 Days of the Date of This Letter. If you do not do this, we must assume that you are not interested in saving your home, and we will proceed with foreclosure. If you need help completing the form, please call -------- at (---) --------or visit him/her at our office.

If HUD decides for any reason that it will not accept assignment of your mortgage, unless you seek further review, we plan to start foreclosure as soon as we have been advised of that decision.

Spanish Language Warning: ESTE ES UN AVISO MUY IMPORTANTE QUE AFECTORA SU DERECHO A CONTINUAR VIVENDO EN SU CASA. SI NO PUEDE LEERLO, HAGALO TRANDUCIR IMMEDIATATMENTE. A MENOS QUE RESPONDA DETRO DE QUINCE (15) DIAS A PARTIR DE LA FECHA QUE TENGA EL AVISO, UD. PUEDE PERDIR SU CASA EN EL FUTURO.

Sincerely,

Exhibit 3

[LETTERHEAD OF MORTGAGEE]

DEAR --------: Your mortgage is in serious default and we have decided that we are unable to provide any additional assistance to you in your attempts to save your home. Under certain circumstances, the Department of Housing and Urban Development (HUD) might be able to accept assignment of your mortgage from us and offer additional help. This would mean that HUD would become your lender and you would make future payments to HUD. We have decided that you are not eligible for an assignment and we will not ask HUD to do this because: Here List the Specific Eligibility Criterion or Criteria From Paragraph 3 Which Make the Case Ineligible for Assignment.

You have the right to go directly to HUD to ask that they consider your case, and we will not start foreclosure of your mortgage until you have had an opportunity to do so. If you wish to be sure that foreclosure will be delayed while HUD is considering acceptance of assignment of your mortgage, you must contact HUD Within 15 Days of the Date of This Letter. We intend to proceed automatically with foreclosure of your mortgage unless we have heard from HUD within that time.

If you want to ask HUD to consider accepting assignment of your mortgage, you should call or write them at ______________
(Address of Local HUD Office)
(___) ________, immediately. If you do not understand what this means to you, you might want to seek help. You may call the HUD office identified above or you might want to contact one of the agencies listed in the HUD booklet we sent you recently or seek legal advice.

Spanish Language Warning: ESTE ES UN AVISO MUY IMPORTANTE QUE AFECTORA SU DERECHO A CONTINUAR VIVENDO EN SU CASA. SI NO PUEDE LEERLO, HAGALO TRANDUCIR IMMEDIATATMENTE. A MENOS QUE RESPONDA DETRO DE QUINCE (15) DIAS A PARTIR DE LA FECHA QUE TENGA EL AVISCO, UD. PUEDE PERDIR SU CASA EN EL FUTURO.

Sincerely,

NOTICE HM 76–43 (HUD)

MAY 17, 1976.

To: All Regional Administrators, Assistant Regional Administrators for Housing Management, Area and Insuring Office Directors, Housing Management Division Directors.

Subject: Acceptance of Assignment of Home Mortgages in Default.

1. *Purpose.* The purpose of this Notice is to announce the Department's policy in connection with the acceptance of home mortgages in default and to promulgate procedures for the implementation of the policy. Effective immediately, mortgagees shall request an assignment and HUD shall accept an assignment of those mortgages in default in order to avoid foreclosure where the mortgagor meets the criteria set forth in paragraph 3 below.

In any case where the mortgagor has voluntarily abandoned the mortgaged property, the mortgagee may initiate foreclosure without adhering to the procedures for assignment set for the in this Notice and in HM Mortgagee Letter 76–9.

Outstanding instructions in paragraph 126 of Handbook 4191.1, Administration of Insured Home Mortgages, are being revised by HM Mortgagee Letter Number 76–9, issued concurrently with this Notice. The following instructions are effective immediately and, pending revision of Handbook 4015.8, Mortgage Servicing Handbook, Secretary-Held Home Mortgages, supersede the instructions in paragraph 14 of that Handbook.

2. *Effective date and application.* The requirements imposed by this Notice and HM Mortgagee Letter 76–9 are effective immediately with respect to all home mortgages fully insured under any section of the National Housing Act. In addition, with regard to all such single-family mortgages in the process of foreclosure or acquisition on the effective date of this Notice, where no final court judgment has been entered pursuand to judicial foreclosure, or where no sale of the mortgaged property has taken place under a power of sale, mortgagees shall stay any foreclosure suit, seeking leave of court where necessary, or shall defer any sale until after such morgagees have considered whether the mortgages are eligible for assignment and have afforded the mortgagors an opportunity for review and final determination by HUD in accordance with the provisions of this Notice and HM Mortgagee Letter 76–9. Field office Directors are to give priority to processing requests involving cases already in foreclosure.

The requirements of this Notice and HM Mortgagee Letter 76–9 shall be applicable to each mortgagee's HUD-insured portfolio. If servicing functions are performed by a contract servicer, it is the responsibility of the mortgagee to insure that the servicer meets these requirements.

This Notice and HM Mortgagee Letter 76–9 apply to all HUD-insured single family home mortgages, except single family home mortgages co-insured by HUD pursuant to Section 244 of the National Housing Act.

3. *Eligibility criteria.* All of the following criteria must be met in order for the mortgage to be eligible for assignment. If all of the criteria are met, the mortgagee shall request an assignment and the Director shall accept the assignment.

a. The mortgagee must have indicated to the mortgagor its intention to foreclose the mortgage.

b. At least three full monthly installments must be due and unpaid under the mortgage.

c. The mortgaged property must be the principal residence of the mortgagor, except when the Regional Administrator grants a waiver of this criterion.

d. The mortgagor must not own other property subject to a mortgage insured or held by HUD, except when the Regional Administrator grants a waiver of this criterion.

e. The default must have been caused by a circumstance or set of circumstances beyond the mortgagor's control which temporarily renders the family financially unable to cure the delinquency within a reasonable time or make full mortgage payments. Examples of qualifying reasons for default include, but are not limited to:

(1) Curtailment of family income, such as unemployment or underemployment; loss, reduction of relay in receipt of federal, state, municipal benefits (e.g., Social Security, Supplemental Security Income, Public Assistance, government pensions) or of private benefit payments (e.g., pensions, annuities, retirement plans); loss of support payments; or other loss of income due to divorce or separation.

(2) Uninsured damage to the mortgaged property, affecting its livability, of a type which is commonly insured against but which was not covered or not fully covered by insurance because adequate insurance coverage was not available.

(3) Death or illness in the mortgagor's household or exenses attributable thereto.

(4) Unanticipated increase of payments to mortgage escrow account to compensate for past underestimates of requirements.

f. There must be a reasonable prospect that the mortgagor will be able to resume full mortgage payments after a temporary period of reduced or suspended payments not exceeding 36 months (discussed in detail in paragraph 10 below), and will be able to pay the mortgage in full by its original maturity date extended, if necessary, by up to ten years if, on the date of assignment, ten years or more have elapsed since the due date of the first payment under the mortgage.

g. The mortgagee must have done everything it might reasonably be expected to do to avoid foreclosure. If the only reason for rejection of an assignment would be failure to meet this criterion, however, and the mortgagee refuses to take additional steps deemed reasonable by the Director, the assignment shall be accepted and the circumstances reported, in detail, to the Director, Single Family Housing Division, Office of Loan Management.

4. *Responsibility.* On behalf of the Area or Insuring Office Director, the Director of Housing Management will have general oversight responsibility for reviewing requests that assignments be accepted and conducting assignment conferences. To the extent possible, the entire processing of any single request that HUD accept assignment should be handled by one qualified professional staff member. While this will normally be the function of a single family mortgage servicer, it may also be assigned to an occupancy specialist, chief property officer, or other staff member. The staff member should be identified in the Department's first communication with both the mortgagor and the mortgagee, and both parties should be made aware of any changes in personnel while the case is being considered. All decisions to accept or reject assignment are made in the name of the Area or Insuring Office Director, whose decisions are final and not subject to review, except in his sole discretion. If a Director wishes to delegate decision making authority to the Director of Housing Management or some other subordinate, establishing a review or appeal process within the office with himself as the final authority, he may do so, although such a procedure is not required.

5. *Notification to mortgagors*—a. *Mortgagee Responsibilities.* Specific requirements that mortgagees notify their mortgagors and the timing and content of those notices are included in HM Mortgagee Letter 76–9, paragraph 5. In summary, the mortgagee is required to notify the mortgagor when it is considering the eligibility for assignment of his mortgage, when it asks that HUD accept assignment, or when it has decided not to ask that HUD accept assignment. Samples of notices to mortgagors which may be used by mortgagees are included as attachments to HM Mortgagee Letter 76–9. While mortgagees may develop their own forms, any such forms must communicate clearly and concisely to mortgagors all information set forth in the samples.

b. *HUD Responsibility*—(1) *General.* The Area/Insuring Office shall facilitate communication with mortgagors during the entire assignment process. While field office Directors are not authorized to accept collect, long-distance telephone calls, each office, depending on the extent of its jurisdiction, shall establish a means for mortgagor concerns to be expressed at the least possible cost to the mortgagor. Where the jurisdiction is extensive and other than local or metropolitan area telephone calls are required, personnel most likely to respond to incoming calls from mortgagors (those in the Director's Office and in the Housing Management Division, at a minimum) should be instructed to ask each caller the area from which he is calling and the general subject of his call. If the call is a toll call, the caller should be asked to provide a number at which the call can be returned, and the call should be referred to the appropriate professional staff member who should return the call immediately.

(2) *Mortgagee Requests that HUD Accept Assignment.* In this situation, the mortgagee will have forwarded the documents identified in HM Mortgagee Letter 76–9, paragraph 6, to HUD.

(3) *Mortgagee Refuses to Request that HUD Accept Assignment.* In this situation, the mortgagee will have advised the mortgagor that it intends to foreclose the mortgage and that it does not intend to request that HUD accept assignment of the mortgage, stating the reason or reasons for this

decision. The mortgagor will have been advised that he has fifteen days from the date of the mortgagee's notice to contact HUD and ask that HUD consider accepting assignment of the mortgage.

Immediately upon receiving any communication from the mortgagor requesting consideration by HUD, the letter in Appendix 1 to this Notice shall be forwarded to the mortgagor, with a copy to the mortgagee, and the mortgagee shall be requested by telephone to provide the copies of records and statements of option listed in Appendix 2, followed immediately by confirmation in writing in the form of Appendix 2. Pending revision of Form 2068F, Item 14 shall be crossed out before the form is sent to the mortgagor. During the telephone conversation, the HUD employee shall secure sufficient information to serve as the basis for the completion of a request for a current credit report on the mortgagors, and the request shall be submitted to the HUD contract reporting source simultaneously with dispatch of the notices to the mortgagor and mortgagee.

(4) *Spanish Language Warning.* The letter required by paragraph 5b(3) and the notice of preliminary negative decision required by paragraph 6b(3) to be sent to the mortgagor by field offices shall contain at the bottom thereof a warning to Spanish-speaking mortgagors to have the notice translated, as follows:

"ESTE ES UN AVISO MUY IMPORTANTE QUE AFECTORA SU DERECHO A CONTINUAR VIVENDO EN SU CASA. SI NO PUEDE LEERLO, HAGALO, TRANDUCIR IMMEDIATAMENTE. A MENOS QUE RESPONDA DETRO DE QUINCE (15) DIAS A PARTIR DE LA FECHA QUE TENGA EL AVISO, Ud. PUEDE PERDIR SU CASA EN EL FUTURO.

(5) *Time Limits.* All time limits for the sending of notices required by this Notice and by HM Mortgagee Letter 76-9, and for mortgagee's required responses shall be deemed to be calendar days, unless otherwise expressly stated. If the last day for sending any notices, performing any act or making any response falls on a Saturday, Sunday or legal holiday, the last day for sending such notice, doing such act or making such response shall be the next following regular working day.

6. *Preliminary review*—a. *Mortgagor Does Not Respond Within Stated Time Limits.* If the mortgagor does not respond to the HUD notification within the time stated in the notice, the mortgagee shall be notified of this fact and advised that it may proceed with foreclosure or with further attempts to salvage the account without acquiring title to the property. A copy of such letter shall be sent to the mortgagor. There will be no additional communications between the mortgagor and HUD, except as may be initiated by the mortgagor. The mortgagor's failure to respond within the stated time limits, without a significant cogent reason, abrogates his or her right to further consideration by HUD, although it does not preclude such further consideration and acceptance of assignment if the Director deems it appropriate. Once the initial time limits have expired, however, the mortgagee is under no obligation to delay foreclosure further, and the Director is free to process the case and reach his decision following any procedure he finds appropriate.

b. *Review of Documents.*—(1) *General.* As soon as the documents requested from the mortgagee, the completed Form 2068F, and the current credit report have been received, they shall be reviewed and a preliminary decision reached.

(2) *Preliminary Positive Decisions.* If it appears from these materials that all of the eligibility criteria have been met, the mortgagee shall be directed to assign the mortgage to HUD, and no further review of eligibility is necessary. An appropriate repayment plan shall be promptly arranged, in accordance with paragraph 10 below.

(3) *Preliminary Negative Decisions.* If it cannot be established from a review of the documentary materials that assignment should be accepted (it appears that one or more of the eligibility criteria have not been met), the mortgagor shall be notified immediately, by telephone, if possible, but in all cases a written notification must be sent. A suggested form for this notification is attached as Appendix 3, and all of the elements of that Appendix must be included in both the telephonic and written notification. If it is possible to make contact with the mortgagor by telephone before the written notification is dispatched, the fifteen day period for response and twenty-five day period in which the conference must be held, begin on the date of the telephone notification, and the letter should be amended accordingly, to establish that it confirms the telephone conversation and to establish specific deadline dates for the mortgagor's response. The mortgagee should be provided with a copy of the letter to the mortgagor.

7. *Conferences.*—a. *General.* Effective immediately, any mortgagor owning a home subject to an insured mortgage, regardless of the section of the National Housing Act under which the mortgage is insured, is entitled to a personal conference with a responsible representative of HUD before the mortgage is foreclosed, unless the Department agrees to accept assignment of the mortgage without such a conference. The consideration process shall terminate at the earliest point at which a decision to accept the assignment can be made, and it shall continue to and through the entire conference process only if the decision is to reject assignment.

b. *Mortgagor Does Not Respond Within Stated Time Limits.* If the mortgagor has not requested a conference within the time limits specified in the notice of his right to a conference, the procedure described in paragraph 6a above shall be followed.

c. *Conference By Letter or Telephone.* Where the mortgagor responds to the notice of preliminary negative decision by indicating that he wishes to present his arguments by telephone or in writing, the HUD representative shall inform him that he thereby loses his right to a face-to-face conference and thereupon arrange for a telephone conference at government expense or the receipt of the mortgagor's written submissions within the above-specified limits.

d. *Mortgagor Requests a Personal Conference*—(1) *Scheduling.* The conference shall be scheduled as quickly as possible. If the mortgagor's wishes have been expressed in a telephone call, the HUD representative should attempt to reach agreement on a time and place for the conference during that conversation. If the mortgagor has written, and no time and date are stated in the letter, the HUD representative will attempt to contact the mortgagor by telephone or letter to arrange a mutually agreeable time and place. The conference must be held at the HUD office if the mortgagor resides within 200 miles of the field office. However, where the mortgagor resides more than 200 miles from the field office, the conference shall be held at a mutually agreed upon place, within the above specified time limits, including, for example, the mortgagor's home, a closer field office in another state, an area management broker's office, or a mortgagee's office. The mortgagor may set the time of the conference, subject only to the requirement that the HUD representative may insist that it be held during normal business hours. Here, too, flexibility is permitted, at the discretion of the HUD representative. The requirement that the conference be held within twenty five days after notification to the mortgagor that a preliminary negative decision has been reached will be strictly adhered to unless there are good reasons for additional delay. As soon as an agreement is reached on the scheduling of the conference, the time and place will be confirmed in a letter to the mortgagor, with a copy to the mortgagee.

(2) *Pre-conference Responsibilities.* When the mortgagor telephonically contacts HUD to arrange for the conference, the HUD representative shall inform the mortgagor of his right to examine, prior to conference, the material on which HUD's preliminary negative decision was based, and if he so requests, make arrangements for the mortgagor to examine such material. The HUD representative shall also inform the mortgagor upon what findings HUD's preliminary negative decision was based and indicate what information is needed to rebut those findings.

e. *Conduct of Conference.*—(1) *Participation.* The mortgagor may be represented by one attorney or other representative and, if the HUD representative agrees, may be accompanied by other additional representatives. If there is more than one mortgagor, of course, both or all may be present. The HUD official shall permit the participation of additional persons who may speak from personal knowledge as to the character, financial situation of the mortgagor, the circumstances of his default, and his prospects for completing payment of the mortgage. At his discretion, the HUD official may exclude such persons from the conference room until their presence is necessary. If the mortgagor is represented by an attorney, the HUD representative may also request the presence of the Area Counsel or, in the case of an Insuring Office without assigned counsel, may request legal assistance from the Regional Counsel.

(2) *Procedures.* The HUD repersentative shall conduct the conference, which shall be informal. There shall be no formal rules of procedure or evidence. Generally, the mortgagor should be asked to state his position, identifying the specific bases for the negative decision with which he disagrees and the grounds on which he bases his disagreement. This should be followed by a presentation of any documentary materials which the mortgagor chooses to produce, which the HUD representative should consider carefully. Any witnesses which the mortgagor wishes to present should then be heard.

If, at any point, the HUD representative decides that the material presented by the mortgagor is convincing and is prepared to change his position on that point, he may prohibit the presentation of any additional information on the subject. Similarly, he may exclude repetition. Finally, he may insist that material presented by the mortgagor be restricted to material bearing directly on his reasons for having made the preliminary decision that assignment should not be accepted and may exclude material not related directly to those issues. Whenever the HUD representative is prepared to agree to accept assignment, regardless of how much material the mortgagor has presented or plans to present, the conference may be terminated.

8. *Decisions after conference.*—a. *Positive Decisions.* As soon as the decision is made to accept the assignment, the mortgagee shall be advised by telephone, with immediate written confirmation. Confirmation shall consist of an executed Form 2784 consenting to the assignment and a set of Group C mortgage insurance claim forms. In addition, if the mortgagee did not request that HUD accept the assignment, these forms shall be accompanied by a letter specifically directing that the mortgage be assigned to

the Secretary as soon as possible. The mortgagor shall be advised by telephone, if possible, but in any event, a brief notification letter shall be sent to him. An appropriate payment plan shall be promptly arranged, in accordance with paragraph 10 below.

b. *Negative Decisions.* If the decision is negative, HUD shall send to the mortgagor a written notice of decision containing the following: (i) a statement setting forth the findings of the HUD official as to the mortgagor's default, financial status, and situation; and (ii) a statement setting forth the specific criteria not met by the mortgagor. Promptly thereafter, the mortgagee shall also be advised by telephone, with written confirmation. The mortgagee may begin foreclosure as soon as it has received telephonic notification of the HUD decision to reject the assignment. This decision is final and not subject to appeal or reconsideration.

9. *Prompt processing; mortgagee actions.* The Area/Insuring Office shall promptly process all requests by mortgages or mortgagors for assignment and make an expeditious, formal determination as to whether to accept assignment of the mortgage, and, upon reaching its decision, immediately notify both the mortgagor and mortgagee in writing of its decision.

Mortgagees shall not initiate any action ing to foreclosure of the mortgage, acquisition of the mortgaged property without the consent of the mortgagor, or dispossession of the mortgagor until HUD's consideration of whether or not to accept an assignment is completed. Mortgagees must also honor, immediately, directions from HUD that mortgages be assigned. Whenever any mortgagee refuses to honor HUD's direction to assign, or refuses to refrain from foreclosure, acquisition or dispossession as above described pending HUD's determination on accepting assignments, the circumstances shall be reported to the Director, Single Family Housing Division, Office of Loan Management, who shall take appropriate action including, if warranted, recommending suspension or withdrawal of the mortgagee's approval to the Mortgagee Review Board.

10. *Payment program.*—a. *General.* Before assignment of a mortgage is accepted, the Director should have determined a servicing program aimed at bringing the account current. At least an outline of such a program must, by definition, be a part of determining that the eligibility criterion in paragraph 3f above has been met. Failure to determine the basics of such a program can only be the result of not having fully evaluated the account in determining whether to accept assignment. A formal forebearance agreement should be concluded immediately, preferably before assignment is completed, but in no case later than the due date of the second payment coming due under the mortgage after the assignment is completed. Agreements must bear an effective date on or after the date of the assignment, and no payments may be accepted from the mortgagor before the assignment has been completed. Payments received before assignment is completed should be forwarded to the mortgagee for application to the account.

b. *Period of Reduced or Suspended Payments.* After consultation with the mortgagor, HUD shall structure a payment plan calling for the highest monthly payment within the financial means of the mortgagor. There is no standard minimum monthly payment which must be demanded of mortgagors, but only under unusual circumstances should any agreement provide for payments of less than the amount required for the service charge, taxes and other escrows. Under no circumstances should the mortgagor's total monthly housing expense during this period exceed 35% of his monthly net effective income. (See Handbook 4155.1, Mortgage Credit Analysis Handbook, paragraphs 2-25.)

Initially, reduced or suspended payments may be agreed to for no more than 18 months from the date of the agreement. This period may be extended at the expiration of any agreement for periods not to exceed 18 months each up to a total of no more than 36 months. Extensions beyond 18 months may be granted only under unusual circumstances.

During the period of forbearance (not to exceed 36 months), the servicer shall periodically review and, where warranted by a change in the mortgagor's circumstances, either increase or decrease the payments required by the agreement.

c. *Reinstatement.* After the period of reduced or suspended payments or in order to cure an existing default, mortgages may be reinstated either by extended forbearance or by following the procedures for recasting insured mortgages in default, except that the term of the mortgage may not be extended, and the maturity date after recasting may not be later than the original maturity date unless more than ten years have elapsed since the due date of the first payment under the mortgage. In any case, however, the mortgage payments during the reinstatement period, including all escrows, must be no more than the highest payment obtainable under one of the following three alternatives:

(1) The amount of the monthly mortgage payments due on the date of default plus any increase in escrow requirements; or

(2) The amount obtained by adding all outstanding arrearages to the unpaid principal balance and recasting the mortgage to allow for completion of its payment as amortized over its remaining term plus current escrow requirements. The term may be extended by up to 10 years if, on the date of assignment, 10 years or more had elapsed since the due date of the first payment under the mortgage. (see Appendix 4); or

(3) An amount equal to 25% of the mortgagor's monthly net effective income. (See Handbook 4155.1, Mortgage Credit Analysis Handbook, paragraph 4.)

Recasting should be avoided if possible, and every effort should be made to reinstate before the original maturity date. If more than ten years have elapsed since the due date of the first payment under the mortgage, and payment in full by the original maturity date would result in monthly payments in excess of the greater of the above alternatives, maturity may be extended by up to ten years.

d. *Form of Payment Plans.* All forbearance and recasting plans shall be in writing and executed by the mortgagor and the Area Insuring Office Director on behalf of the Secretary, and substantially in the form of the forbearance and recasting agreements set forth in Appendixes 5 through 8.

11. *Cautions and controls.* The field office Director must make every effort to insure that the mortgagee has extended reasonable relief to a deserving mortgagor (or has demonstrated that relief which might be reasonable is obviously inadequate) before accepting assignment. Care must be taken to make certain that the assignment of mortgages does not become a vehicle which permits mortgagees to assign basically sound but low interest rate mortgages, or mortgages which are chronically in default because of a disregard for or permanent or chronic inability to meet the mortgage obligation on the part of the mortgagor. If it develops that assignments are being accepted from a mortgagee in relatively high or low numbers, the field office Director will investigate the circumstances and, if it appears sanctions are warranted, the Director or the Assistant Secretary for Housing Management will bring the matter, well documented, before the Mortgagee Review Board. The volume of assignments accepted from a lender is not, in itself, a basis for criticism of that lender. Either relatively high or unusually low numbers of requests, however, should cause the Director to determine the reasons for the anomaly. This is especially true, of course, if the mortgagee also has a relatively high rate of foreclosures. It is recognized that within the above parameters, certain flexibility exists in each field office to administer the assignment program. To insure continuity within any one Region, however, each Regional Office may, at its option, develop explanatory but no more restrictive issuances to reflect the application of the criteria to local economic conditions for use by those field offices under its jurisdiction. A copy of these issuances should be furnished to the Director, Single Family Housing Division, OLM.

APPENDIX 1

(FIELD OFFICE LETTERHEAD)

DEAR ________: This is in response to your request that HUD consider accepting assignment of your mortgage, which your lender has indicated it has decided to foreclose. We have directed your lender to delay starting any foreclosure action until after we have had time to consider your request, but you will be required to do several things promptly if we are to help you.

Please complete and return the enclosed Form 2068F within fiften days of the date of this letter. When we receive it, we will review it, along with other material which we will get from your lender and other sources, and will decide whether it appears, from the record that we should accept assignment of your mortgage. If we decide that we should, we will notify you immediately to arrange a meeting at which we can make appropriate arrangements for the payments on your account. HUD will then become your lender. You will make your payments to us, in amounts which we will have agreed on to help you over your present temporary difficulty. After you are able to make larger payments, you will be permitted to make up your missed payments spread out over a period of time.

If, after reviewing the records, we decide that we cannot accept assignment of your mortgage without additional information, we will notify you and you will have the right to a conference with the HUD employee handling your case and to present information which you think will help that person decide in your favor. If you decide that you do not want such a conference, or after conference we find your mortgage is not eligible for assignment, we will not accept assignment for your mortgage and we will inform your lender that it is free to proceed with foreclosure if it still sees fit.

Spanish Language Warning: "ESTE ES UN AVISO MUY IMPORTANTE QUE AFECTORA SU DERECHO A CONTINUAR VIVENDO EN SU CASA. SI NO PUEDE LEERLO, HAGALO TRADUCIR IMMEDIATATMENTE. A MENOS QUE RESPONDA DENTRO DE QUINCE (15) DIAS A PARTIR DE LA FECHA QUE TENGA EL AVISO, Ud. PUEDE PERDIR SU CASA EN EL FUTURO."

If you have any question about this procedure or about the completion of the Form 2068F, please call ________ on (____) ____—____, immediately. If you have not returned the completed form within fifteen days, we will assume that you no longer want our help and will advise the lender that it may proceed with foreclosure. You must remember that your position is serious, and our ability to help you will depend largely on your willingness to help yourself. We will not contact you again until after you have returned the completed Form 2068F or have been in touch with the HUD employee identified above.

Sincerely,

Director.

APPENDIX 2

(FIELD OFFICE LETTERHEAD)

DEAR --------: This is to confirm the telephone conversation of -------- concerning FHA Case Number -------- (Last name of mortgagor).

The mortgagor has advised us that you have notified him (her) of your intention to foreclose this mortgage and that you have decided not to request that HUD accept assignment of the mortgage for specific reasons stated in your notice. We have been asked by the mortgagor to consider acceptance of the assignment. Accordingly, please forward the following immediately and withhold initiation of any forclosure action until we have completed that consideration:

a. A copy of your notice to the mortgagor refusing to request assignment.

b. A copy of the related ledger record or payment record card reflecting the payment history on the account since inception of the loan or, if the indebtedness was assumed by the present mortgagor, since the assumption.

c. Copies of all related collection records documenting the efforts of your staff to collect the debt and the mortgagors' reactions to those efforts.

d. Copies of FNMA Forms 145 or similar reports to the investor recommending any action requiring the approval of the investor. If no such formal reports or recommendations were made, substitute a brief narrative description of the reasons for default, as you see them, and the basis on which your decision to foreclose was made.

e. A brief statement of your reasons for not requesting that HUD accept assignment of the mortgage, including your opinion as to the probability of restoring the mortgage to good standing and your reasons for that opinion.

Time is of the essence, and we do not wish to ask that your foreclosure be delayed more than is absolutely necessary. The mortgagor has been asked to provide us with certain information within fifteen days of this date, and we would hope that the material requested above will also be received within that time so that it can be considered promptly, along with the mortgagor's material. In any event, we are sure you realize that we cannot make any decision, one way or the other, until you have responded to this request.

Sincerely,

Director.

APPENDIX 3

(FIELD OFFICE LETTERHEAD)

DEAR------------: We have completed a preliminary review of the background of your case and have determined that we are unable to accept assignment of your mortgage for the following reasons:

Here list any basic eligibility criteria which are not met, or any other reason for deciding to reject assignment. If the reason for rejection is a failure to meet one of the subjective criteria (e or f), include a brief explanation for the decision that the criterion is not met.

You are entitled to a conference to discuss these matters, but you must request that conference within fifteen days of the date of this letter, and such conference must be held within twenty five days of the date of this letter, unless we have agreed to a further delay. You may elect to conduct the conference by telephone or you may present your arguments by mail, but your decision to do so will remove any right you might have to a later conference in person.

You may examine any records in our possession having a bearing on our preliminary decision at our offices at any time during normal working hours before your conference. If you decide to demand a conference in person, it will normally be held in our office at a date and time of your choosing (subject to the twenty five day time limit discussed above). However, if your home is more than 200 miles from our office, we will arrange, if you desire, a more convenient place for the conference. You may be represented by one attorney or other representative of your choice, and you may present information of any sort, including witnesses, to show that the reasons above are not valid. The conference will be informal, and there will be no rules of evidence or procedure. Whenever the HUD representative believes that all of the available evidence has been considered or that the presentation of additional evidence would be repetitive, or whenever the HUD representative is prepared to concede the point under discussion, further discussion of that point will be discontinued, and the conference will be terminated when the HUD representative concludes that it has served its purpose.

Spanish Language Warning: "ESTE ES UN AVISO MUY IMPORTANTE QUE AFECTORA SU DERECHO A CONTINUAR VIVENDO EN SU CASA. SI NO PUEDE LEERLO, HAGALO TRADUCIR IMMEDIATATMENTE. A MENOS QUE RESPONDA DENTRO DE QUINCE (15) DIAS A PARTIR DE LA FECHA QUE TENGA EL AVISO, Ud. PUEDE PERDIR SU CASA EN EL FUTURO."

If you wish to have a conference and reconsideration of our initial position, you should either call or write -------, at -------. His/her telephone number is (----) --------. If we have not heard from you within fifteen days of the date of this letter, we shall assume that you do not intend to request a conference, and our decision will become final. We will then advise your lender that it is free to foreclose your mortgage.

Sincerely,

Director.

APPENDIX 4

CALCULATION OF RECAST PRINCIPAL AMOUNT AND NEW MONTHLY PAYMENT

Example mortgage term extended 10 years
Case No. 421–019614–203–Garth
Original term: 30 years
Date of this computation: 10–17–73
Date of first payment: 10–1–63
Original amount of mortgage: $15,200
Original maturity date: 9–1–93
Interest rate: 5¼ %
Monthly installments due 5–1–73 through 10–1–73 unpaid

Present monthly payment:

MIP	$5.26
Taxes	14.58
Insurance	5.83
Interest and principal	84.06
	109.73

Computation of "New Original Principal Balance" to be Amortized:

	Per month	Number payments missed	Total
Item:			
Unpaid principal balance			$12,583.43
Unpaid interest (5¼ pct) Apr. 1, 1973 to Oct. 1, 1973	$55.05	6	333.30
MIP (½ pct) Sept. 1, 1973	5.26	6	31.56
Escrow items due but unpaid:			
Taxes	14.58	6	87.48
Hazard insurance	5.83	6	34.98
Total, new original principal balance			13,070.75

The first monthly installment based on the above figure will be due November 1, 1973, and the final payment to principal and interest will be due March 1, 2003 (Original Maturity Date plus 10 years).

New Monthly Payment Based on New Maturity Date and "New Original Principal Balance."

To amortize $13,070.75, the number of monthly payments in the new term must first be computed. To the original term of 360 months is added 120 months (the extension period of 10 years) for a total of 480 months. From the total of 480 months, subtract 121 months (the total number of payments due prior to 11–1–73) for a remaining term of 359 months or 29 years and 11 months.

The new payment to principal and interest is reached by multiplying the new balance by the monthly installment per $1,000 for 29 years and 11 months ($13,070.75 ×$5.53 – $1,000 = $72.30. The monthly installment per $1,000 may be found under "Amortization Tables" in FHA Form 2025.

The new monthly installment will be:

Principal and interest	$72.30
MIP	[1] 5.26
Taxes	14.58
Insurance	5.83
	97.97

[1] Based on original amortized schedule.

APPENDIX 5

(FIELD OFFICE LETTERHEAD)

Forbearance Agreement

Date: --------

Mortgagor's Name and Address: -----------

FHA Case No. ---------

DEAR MR. and MRS.---------: In consideration of forbearance by the Secretary of Housing and Urban Development in not foreclosing the mortgage on your home, which is now in default, it is necessary that you indicate, by signing and returning this agreement, your acceptance of the following conditions:

All payments required by your note and mortgage are suspended until --------, 19---- (this may be any date, 18 months or less from the date of the agreement). Before that date, this agreement will be reviewed and a determination made as to whether or not it should be renewed or amended and continued in force. At the time of review, you may be required to resume payments in an amount to be determined by the Secretary. If the agreement expires without renewal, the payments required by your mortgage will resume on the date specified above.

All of the provisions of the note and mortgage, except as modified herein, shall remain in full force and effect, and upon any breach of the terms of the mortgage or of this agreement, the Secretary may terminate this agreement and institute foreclosure proceedings. If the Secretary becomes aware of a substantial change in the facts or circumstances which induced him to enter into this agreement, he may terminate the agreement and require either that you conclude a new agreement or return to the terms of the note and mortgage, without modification.

Transfer of ownership of the mortgaged property or assignment or transfer of any interest or liability under the mortgage to a third party will automatically terminate this agreement.

Two copies of this letter are attached. The agreement will become effective when you have signed the original and first copy and returned them to this office. The other copy is for your records.

Sincerely,

SECRETARY OF HOUSING AND URBAN DEVELOPMENT,

By ------------

Director.

We accept the above proposal.

Mortgagor

Mortgagor

APPENDIX 6

(FIELD OFFICE LETTERHEAD)

Forbearance Agreement

Date: --------

Mortgagor's Name and Address-------------

FHA Case No. --------

DEAR MR. and MRS. --------: In consideration of forbearance by the Secretary of Housing and Urban Development in not foreclosing the mortgage on your home, which is now in default, it is necessary that you indicate, by signing and returning this agreement, your acceptance of the following conditions:

Beginning on the first day of --------, 19----, you will remit monthly the amount of $------. The final payment of the entire mortgage balance shall become due and payable on the due date of the last installment as set forth in the mortgage.

If the account has not been brought current earlier, this agreement will automatically expire after ---- (this may be any number less than 19) monthly payments have come due in accordance with its terms. Before the due date of the ---- (the same number as is used above) payment, this agreement will be reviewed and a determination made as to whether or not it should be renewed or amended and continued in force.

Payments under this agreement will be mailed to reach the Office of Finance and Accounting, Department of HUD, 451 7th Street, SW., Washington, D.C. 20410, on or before the first day of the month when due.

All of the provisions of the note and mortgage, except as modified herein, shall remain in full force and effect, and upon any breach of the terms of the mortgage or of this agreement, the Secretary may terminate this agreement and institute foreclosure proceedings. If the Secretary becomes aware of a substantial change in the facts or circumstances which induced him to enter into this agreement, he may terminate the agreement and require that you conclude a new agreement.

On the date of this agreement, the regular monthly payment required by your mortgage is $------. If, because of a change in escrow requirements, the regular monthly payment required by the mortgage is increased, the payment required by this agreement will be increased automatically by the same amount. If, because of a decrease in escrow requirements, the regular monthly payment required by the mortgage is decreased, the amount required by this agreement will remain unchanged, and if the resulting payment is more than the payment required by the mortgage, the additional funds will be applied to reduce the delinquency existing under the mortgage at that time, until the account is brought current and your mortgage is reinstated. When the account is current, the monthly mortgage payments as set forth in the mortgage will resume.

Transfer of ownership of the mortgaged property or assignment or transfer of any interest or liability under the mortgage to a third party will automatically terminate this agreement.

Two copies of this letter are attached. The agreement will become effective when you have signed the original and first copy and returned them to this office. The other copy is for your records.

Sincerely,

SECRETARY OF HOUSING AND URBAN DEVELOPMENT,

By -------------------------

Director.

We accept the above proposal.

Mortgagor

Mortgagor

[FIELD OFFICE LETTERHEAD]

FORBEARANCE AGREEMENT

Mortgagor's Name and Address

FHA Case No. --------

Dear Mr. and Mrs. ---------:

In consideration of forbearance by the Secretary of Housing and Urban Development in not foreclosing the mortgage on your home, which is now in default, it is necessary that you indicate, by signing and returning this agreement, your acceptance of the following conditions:

Beginning on the first day of --------, 19--, you will remit monthly the amount required by your mortgage, plus an additional $------, until your mortgage is brought current. When the account is current, the monthly mortgage payments as set forth in the mortgage will resume. The final payment of the entire mortgage balance will become due and payable on the due date of the last installment as set forth in the mortgage.

If the account has not been brought current earlier, this agreement will automatically expire after -------- monthly payments have come due in accordance with its terms. Before the due date of the -------- payment, this agreement will be reviewed and a determination made as to whether or not is should be renewed or amended and continued in force.

Payments under this agreement will be mailed to reach the Office of Finance and Accounting, Department of HUD, 451–7th Street, S.W., Washington, D.C. 20410 on or before the first day of the month when due.

All of the provisions of the note and mortgage, except as modified herein, shall remain in full force and effect, and upon any breach of the terms of the mortgage or of this agreement, the Secretary may terminate this agreement and institute foreclosure proceedings. If the Secretary becomes aware of a substantial change in the facts or circumstances which induced him to enter into this agreement, he may terminate the agreement and require that you conclude a new agreement.

On the date of this agreement, the regular monthly payment required by your mortgage is $------, and the total payment required by this agreement is $------. If, because of an increase in escrow requirements, the regular monthly payment required by the mortgage is increased, the total amount required by this agreement will be increased automatically by the same amount. If, because of a decrease in escrow requirements, the regular monthly payment required by the mortgage is decreased, the total amount required by this agreement will remain unchanged, and the additional funds will be applied to reduce the delinquency existing under the mortgage at that time.

Transfer of ownership of the mortgaged property or assignment or transfer of any interest or liability under the mortgage to a third party will automatically terminate this agreement.

Two copies of this letter are attached. The agreement will become effective when you have signed the original and first copy and returned them to this office. The other copy is for your records.

Sincerely,

Secretary of Housing and Urban Development.

By --------------------.

Director

We accept the above proposal.

Mortgagor

Mortgagor

SAMPLE RECASTING AGREEMENT

FHA Case No. --------

This Agreement, made this ------ day of --------, 19--, between hereinafter referred to as the Secretary, and ------------, hereinafter referred to as the Borrowers, and ------------, as Trustee (if applicable);

WITNESSETH:

Whereas the Borrowers are now indebted to the Secretary in the sum of -------- Dollars ($------) (hereinafter called "new principal amount"), consisting of -------- Dollars ($------) unpaid principal, and -------- Dollars ($------) unpaid installments of ground rents, hazard insurance premiums, taxes, assessments, and mortgage insurance premiums, the payment of which is secured by a note and security instrument owned and held by the Secretary, dated ------, 19--, and recorded in the office for the recording of deeds in -------- County and State of --------, in book ---- of mortgages, page ----, and

Whereas the parties mutually desire to modify the terms of payment of said indebtedness by changing the amount of monthly payments required on said note and security instrument;

NOW, THEREFORE, in consideration of the covenants hereinafter contained, it is mutually agreed as follows:

The Borrowers agree to pay the "new principal amount" with interest at the rate specified in said note on the unpaid balance in monthly installments of -------- Dollars ($------) commencing on the first day of -------- 19--, and on the first day of each month thereafter until the "new principal amount" and interest thereon are fully paid, except that the final payment of the "new principal amount" and interest, if not sooner paid, shall be due and payable on the first day of --------, 19--.[1]

It is mutually agreed that said security instrument shall continue a first lien upon the premises and that neither the obligation evidencing the aforesaid indebtedness nor the security instrument securing the same shall in any way be prejudiced by this agreement, but said obligation and security instrument and all the covenants and agreements thereof and the rights of the parties thereunder shall remain in full force and effect except as herein expressly modified.

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[1] This date cannot exceed by more than 10 years the maturity date of the original note.

In Witness Whereof, the parties have signed, sealed, and delivered this agreement on the date above written.

--------------- [SEAL] ------------- [SEAL]
(Secretary of HUD) (Borrower)
-------------------- --------------------
(By Director) (Borrower)

DEEDS OF TRUSTS

(If the security instrument is a deed of trust and it is necessary that the Trustee execute recasting agreements, the following acknowledgment shall be signed by the Trustee.)

The Trustee has executed this instrument to acknowledge his (its) assent thereto and agrees to continue to act in such capacity under the terms as modified herein.

Trustee:

[FR Doc.76-30853 Filed 10-20-76;8:45 am]

Federal Disaster Assistance Administration

[Docket No. NFD-367; FDAA-522-DR]

MARYLAND

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on October 14, 1976, the President declared a major disaster as follows:

> I have determined that the damage in certain areas of the State of Maryland resulting from severe storms and flooding beginning about October 8, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Maryland.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Arthur T. Doyle, FDAA Region III, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Maryland to have been adversely affected by this declared major disaster.

The County of: Frederick.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: October 14, 1976.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-30902 Filed 10-20-76;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON JUDICIAL REVIEW

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 2:00 p.m., November 5, 1976 in the 6th floor Conference Room of Covington and Burling, 888 16th Street, NW., Washington, D.C. 20006.

The Committee will meet to consider, for the third time, proposed recommendations stemming from Professor David P. Currie's draft report, "Judicial Review Under the Federal Pollution Laws."

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street, NW. Suite 500, Washington, D.C. 20037, at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Jeffrey Lubbers (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

OCTOBER 19, 1976.

[FR Doc.76-31190 Filed 10-20-76;9:20 am]

CIVIL AERONAUTICS BOARD

[Docket 29645]

AUSTIN AIRWAYS LTD.

Charter Service Application (Canadian)

Postponement of Prehearing Conference and Hearing

In response to a letter from the Bureau of Operating Rights indicating that the receipt of certain evidence requested of the applicant has been delayed, notice is hereby given that the prehearing conference and hearing in the above-entitled matter now scheduled for October 20, 1976 (41 FR 43229, dated September 30, 1976), is postponed until November 18, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., October 18, 1976.

WILLIAM A. KANE, Jr.,
Administrative Law Judge.

[FR Doc.76-30945 Filed 10-20-76;8:45 am]

[Docket 28648 and 21998]

IMM ACCEPTANCE CORP., ET AL.

Order to Show Cause

Petition of IMM Acceptance Corporation, International Metals & Machine, Inc., et al. for determination under section 408 of the Federal Aviation Act of 1958, as amended, and for other relief.

Petition of Wallace E. Carroll, International Metals & Machine, Inc., et. al. for determination under section 408 of the Federal Aviation Act of 1958, as amended and for other relief.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of October, 1976.

By Order 73-5-120 the Board approved, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), inter alia, the acquisition of control of Chicago Helicopter Industries, Inc. (CHI), and, through CHI, its wholly owned subsidiary, Chicago Helicopter Airways, Inc. (CHA), a certificated helicopter air carrier, by the so-called Polk Group and Carroll Group.[1] The approval of these acquisitions was subject to certain conditions, including one requiring that "Further acquisition of control of any air carrier . . ., or a person controlling [this entity], by Wallace E. Carroll and any company, trust, or other entity in which he is an officer, director, trustee or in which he has a financial interest, or any subsidiary or affiliate thereof . . . shall be submitted to the Board for prior approval pursuant to section 408 of the Act." The petitions being considered herein result from proposed purchase of CHI stock by Mr. Carroll and certain entities with which he is associated, as more fully described below.

In the petition in Docket 28648 IMM Acceptance Corporation (IMMAC), International Metals & Machines, Inc. (IMM), The Wallace E. and Lelia H. Carroll Trust dated February 1, 1954 (the 1954 Trust), and the Lelia H. Carroll Trust dated March 1, 1955 (the 1955 Trust), request that the Board disclaim jurisdiction with respect to, or approve, under section 408 of the Act, the purchase by IMMAC of 148,000 shares of GHI stock and the following control relationships arising therefrom: control of CHA and CHI by IMMAC, IMM, the 1954 Trust and the 1955 Trust; and the common control by these parties of CHA, Helicopter Air Services (HAS) and Mercantile National Bank of Chicago (Mercantile).[2] IMMAC is a wholly owned subsidiary of IMM which is in turn a holding company jointly owned by the 1954 Trust and the 1955 Trust.

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[1] The individual members of the Polk Group holding CHI stock were Polk Bros., Inc., Polk Bros. Foundation, Inc., and Saul and Samuel H. Polk. The total Polk Group holdings were 254,142 shares or 40.54 percent of outstanding stock. The individual members of the Carroll Group holding CHI stock were American Gage and Machine Company Foundation, Affiliated Industries Foundation, the Wallace E. and Lelia H. Carroll Trust of Dec. 30, 1948, American Gage and Machine Company Profit Sharing Trust, Wallace E. Carroll, and certain other profit sharing trusts (the latter holding less than one percent as a group). The Carroll Group held a total of 191,907 shares or 30.56 percent of the then outstanding shares. Order 73-5-120 also authorized common control and interlocking relationships resulting from Mr. Carroll's interests in companies outside of the CHI system. Appendix I summarizes the control relationships authorized by that order.

The petitioners state that in July of 1973, the American Gage and Machine Company Foundation donated 74,000 shares of CHI stock to each of two universities (148,000 shares total). In accepting the donated shares, each university assumed certain indebtedness. Subsequently, the market value of the CHI shares began to decline and the two colleges, fearing the gift would turn into a liability should the total market value of the stock fall below the amount of the indebtedness, solicited Mr. Carroll's help in disposing of the stock. Mr. Carroll suggested to IMM that the stock would be a good investment and IMM purchased the stock, through IMMAC, allegedly for that reason. The stock currently represents 19.15 percent of the outstanding CHI stock. Appendix II[3] summarizes the control relationships resulting from these transactions.

In a further petition in Docket 21998, Mr. Carroll, The Wallace E. and Leila H. Carroll Trust dated May 1, 1958 (the 1958 Trust), the 1954 Trust, the 1955 Trust, and IMM request that the Board disclaim jurisdiction over, or approve under section 408(b) of the Act, the purchase of 290,000 shares of CHI stock by Mr. Carroll and the following control relationships resulting therefrom: the control of CHA by Mr. Carroll; the common control of CHA and Mercantile by Mr. Carroll; and the common control by Mr. Carroll and the 1958 Trust of CHA, on the one hand, and the Missouri-Kansas-Texas Railroad (MKT) and Jewell Electrical Instruments (Jewell), on the other.

The joint petitioners similarly request a disclaimer of jurisdiction or approval with respect to the acquisition of between 1,500,000 and 2,300,000 shares of CHI resulting from the merger of an IMM subsidiary, The Deister Concentrator Company, Inc. (Deister), into CHI and the following control relationships arising therefrom: control of CHA by IMM, the 1954 Trust and the 1955 Trust; and the common control of CHA and Mercantile by IMM, the 1954 Trust and the 1955 Trust.[4] The percentages involved will vary depending upon which transactions are authorized by the Board and, if authorized, the exact number of CHI shares traded in the Deister transaction. Mr. Carroll's purchase would involve from 11.5 percent (if the Deister transaction is approved) to 45.6 percent (if it is not). The Deister Transaction would involve from 66.0 percent to 75.0 percent. Appendices III and IV summarize the control relationships which would result from these transactions.

Mr. Carroll's stock purchase will be made from a variety of present owners of CHI stock, including the Polk Group. Following the purchases, the Polk Group will hold no interest in CHI. No information was given as to why Mr. Carroll is purchasing the CHI stock, but it is alleged that the transaction will be beneficial to CHI because of Mr. Carroll's business expertise.

In the Deister acquisition, CHI will issue shares of its stock to IMM in exchange for all of the outstanding shares of Deister. The relative value of the shares will be determined by an independent appraiser. It is alleged that the Deister acquisition is necessary to CHI's and CHA's existence. CHI and its operating subsidiaries have sustained consolidated operating losses since 1970. These losses have allegedly put CHI in a precarious cash flow position and have made it difficult to repay outstanding debt. The petitioners have stated that CHI's existence is threatened. It is alleged that the inclusion of the highly profitable Deister in the CHI corporate group will provide CHI with the funds necessary to continue until the other CHI subsidiaries become self-sufficient.

THE PARTIES

CHA: CHA is a helicopter airline certificated by the Board to perform scheduled helicopter flight services and authorized by exemption to perform nonscheduled helicopter flight services in the Chicago area. The Board, however, in Order 75-6-71, June 13, 1975, authorized CHA to suspend its scheduled passenger services for a period of one year and renewed CHA's authority to suspend services until June 14, 1977, in Order 76-6-74, June 9, 1976. CHA also conducts helicopter maintenance and repairs and engages in the helicopter refitting and sales. CHA is a wholly owned subsidiary of CHI.

CHI: CHI is a holding company which in addition to CHA, wholly owns HAS, and two carbon steel processing companies which are not engaged in any aeronautical activities.

HAS: HAS is a wholly owner subsidiary of CHI. HAS's sole activity is the holding of 80.1 percent of Mercantile.

Mercantile: Mercantile is a national banking association, one of whose departments, Mercan-Tours, is a general travel agent. For this reason, Mercantile has been deemed to be a person engaged in a phase of aeronautics.[5]

IMM: IMM is a holding company owned in shares of 48.5 percent by the 1954 Trust and 51.5 percent by the 1955 Trust. It conducts no operations in its own name but owns numerous subsidiaries, including IMMAC and Deister. Excluding any interest in CHI, none of the subsidiaries are air carriers, common carriers, or persons engaged in a phase of aeronautics.

IMMAC: IMMAC conducts no active operations. Its sole business is the ownership of 148,000 shares (now 19.5 percent) of CHI stock.

Deister: Deister manufactures separating and sizing equipment, used primarily in mining operations. It is a wholly owned subsidiary of IMM.

MKT: MKT is a subsidiary of Katy Industries, Inc. (Katy). MKT is an all freight rail carrier which owns motor carrier subsidiaries. The Board found that there was common control of MKT and CHA by virtue of Katy's ownership of MKT; the ownership of 33 percent of Katy's stock by Mr. Carroll and other family interests; and Mr. Carroll's position as officer and director of both Katy and MKT.[6]

Jewell: Jewell manufactures mechanisms used in aircraft instruments and was held to be a person engaged in a phase of aeronautics as a result. Jewell sells its products to aircraft manufacturers, but not to owners and operators of aircraft. The Board found that there was common control of Jewell and CHA by virtue of the following:[7]

(a) Jewell is a wholly owned subsidiary of American Gage and Machine Co.;

(b) the latter is a subsidiary of Katy; and

(c) the ownership of Katy stock is by the Carroll family.

Katy: Katy is multi-industry holding company with numerous subsidiaries. Only Jewell and MKT fall within the purview of sections 408 and 409 of the Act.

Mr. Carroll: Mr. Carroll's principle occupation is serving as chairman of the board and chief executive officer of Katy. In addition to serving as an officer and director of Katy affiliates, Mr. Carroll is a director of OEA, Inc., a separate company which makes propellant and electro-explosive devices used in escape systems for high-speed aircraft and in devices in space vehicles and missiles. As such, OEA, Inc., is a person engaged in a phase of aeronautics. The resulting interlocking relationship was approved under section 409 of the Act in Order 73-5-120, *supra*. Aside from his interest in Katy and CHI, Mr. Carroll's ownership interest in common carriers or persons engaged in a phase of aeronautics is limited to less than five-percent ownership in each of Mercantile, OEA, Inc. and the Chicago-Milwaukee Railroad.

The 1954 Trust: The 1954 Trust owns 48.5 percent of IMM. Aside from the CHI stock currently owned by IMMAC, it holds no interest in any air carrier, common carrier, or person engaged in a phase of aeronautics.

The 1955 Trust: The 1955 Trust owns 51.5 percent of IMM. Its ownership interest in common carriers or aeronautical enterprises is limited to the CHI stock held currently by IMMAC.

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[2] These entities are more fully described, infra, in the section of the order under the heading of "The Parties Mercantile and HAS are also subsidiaries of CHI.

[3] Appendices I, II and III filed as part of original document.

[4] See n. 2, supra.

[5] See Order 73-7-120, *supra*.

[6] See Order 73-5-120, *supra*, p. 32.

[7] See Order 73-5-120, *supra*, pp. 32 and 33.

The 1958 Trust: The 1958 Trust owns 24.5 percent of Katy's outstanding stock. This represents the limit of the trust's interests in common carriers or aeronautical enterprises.

THE POSITIONS OF THE PARTIES

The various petitioners have requested that the Board disclaim jurisdiction over all of the above-described transactions. The arguments are essentially the same in both dockets and revolve around the petitioners' interpretation of the phrase "acquisition of control" and their interpretation of ordering paragraph 1(a) (iv) of Order 73-5-120.[8]

The petitioners contend that the above-described transactions do not constitute an acquisition of control because IMM, IMMAC and Mr. Carroll are part of the larger Carroll Group whose control of CHI has already been approved.

The petitioners further assert that the existence of the reporting requirement of ordering paragraph 1(a) (iv) indicates that future stock purchases by the broader "Carroll Group," (i.e., any entities in which Mr. Carroll has certain interests) were not to be considered as acquisitions of control. They assert that the reporting requirements were meant to permit the Board to monitor control of CHA by the broader Carroll Group while avoiding the necessity of prior-approval proceedings with each stock purchase by members of the Carroll Group; and that any other interpretation of ordering paragraph 1(a) (iv) would lead to anomalies and inequities in that certain entities in which Mr. Carroll had an interest would be required to seek Board approval while others would not. The petitioners have also asserted that ordering paragraph 1(b) of Order 73-5-120, requiring prior Board approval of further acquisitions of air carriers, does not apply to purchases of CHI stock.

The petitioners have also made allegations in support of approval of the various control relationships in the event the Board asserts its jurisdiction over the various transactions hereinabove described. With respect to the control and common control relationships involving Mr. Carroll, the petitioners in Docket 21998 have asserted that control of CHA by Mr. Carroll will not jeopardize any other air carrier by virtue of CHA's limited operations; that common control of Mercantile (and Merchan-Tours) and CHA by Mr. Carroll and the 1958 Trust will have no adverse effect or lead to any conflicts of interest because the businesses of CHA and Merchantile are distinct *i.e.*, that CHA does not write interline air transportation tickets and does not use Merchan-Tours as a sales agent; that common control of CHA and MKT by Mr. Carroll and the 1958 Trust will have no adverse effects or lead to any conflicts of interest because the services provided by the two companies, freight transportation in the Southwest by MKT and passenger transportation in the Chicago area by CHA, are entirely distinct; and that common control of Jewell and CHA will have no adverse effects because Jewell deals only with manufacturers.

With respect to IMM, IMMAC, the 1954 Trust, and the 1955 Trust, the petitioners have asserted that control of CHA by these parties will not injure any other air carrier; that it will not result in conflicts of interest because none of the parties hold any other aviation or common carrier interests; that the Deister merger will benefit CHI and CHA; and that for these above-stated reasons common control of CHA and Merchantile by these parties will not be adverse to the public interest.

The petitioners have also argued that a hearing is not required for the processing of this application. In support of this, they allege, *inter alia*, that the stock purchase is at most a "technical" acquisition of control; that CHA is already controlled by Mr. Carroll and the Carroll interests; that the proposed transaction does not therefore affect the control of CHA; that the delay of a public hearing would endanger CHA; and that CHA's demise would hinder the development of increased use of Midway Airport facilities.

No comments relative to the petitions have been received.

CONCLUSIONS

Upon careful consideration[9] the Board has decided to assume jurisdiction under section 408 of the Act over Mr. Carroll's stock purchase and the Deister merger, as described above.

We find the petitioners' arguments for a disclaimer of jurisdiction unconvincing. The Board has held, at least since 1948, that increases in the quantum of control may constitute an acquisition of control within the meaning of section 408 of the Act. In Transcontinental & Western Air, Inc., Further Control By Hughes Tool Co., 9 CAB 381 (1948), the Board held that an increase in control from 45.6 percent of the outstanding common stock to an inalienable right to acquire up to 80 percent constituted an acquisition of control.

The Board noted that with, ownership of as much as two-thirds of the outstanding voting stock, Hughes Tool Co. could alone and on its own initiative perform all significant corporate actions, including merger and dissolution. It did not have such power while holding only 45.6 percent of the stock.

The transactions described herein appear to produce an increase in the quantum of control sufficient to be considered an acquisition of control under this standard. The Carroll Group's holdings of CHI stock would increase from 30 percent of total outstanding to over 90 percent, thus giving the expanded Carroll Group (including IMM, IMMAC, and the 1954 and 1955 Trusts) the ability for the first time to perform all significant corporate actions independently. Moreover, nothing in the record indicates that individual members of the Carroll Group would not act as a whole with respect to CHI.

We likewise find the allegations that the reporting requirements of ordering paragraph 1(a) (iv) were meant to make approvals of the acquisition of CHI stock unnecessary to be unconvincing. Rather, in recognition of the fact that individual members of the Carroll group would likely act in concert with respect to CHI's affairs, the ordering paragraph merely extends the standard reporting requirements of section 407 of the Act and Part 245 of the Board's regulations to all such members of the group.

We will also assert jurisdiction over the IMMAC stock purchase described in Docket 28648, although the transaction would fall below the 10 percent presumption of control contained in section 408 (f) of the Act.[10] This presumption does not necessarily state the minimum stock ownership necessary for control to exist within the meaning of the Act. Furthermore the assertion of jurisdiction over the subject transaction would be consistent with the Board's previous findings in which we recognized the common interest of the individual members of the Carroll Group and asserted jurisdiction over each member, regardless of the size of its holding.[11]

For the reasons noted above, a disclaimer of jurisdiction is not justified. In any event, approval has been requested and we have tentatively concluded that the common control relationships resulting from the above-described transactions should be approved under section 408 of the Act, subject to the conditions of ordering paragraphs 1(a) and 1(b) of Order 73-5-120.

In reaching these tentative conclusions, although CHA is not presently operating, the Board has taken note of the unique services certificated to be provided by CHA and the existing control of CHA by the Carroll Group. CHA holds the only Board certificate to provide scheduled helicopter service in the Chicago area. As such, when operating, it is, in effect, the sole supplier in the market it serves and has no real competitors. For this reason, and because of CHA's limited size, it appears that the ownership of CHI by the Carroll Group would have little, if any, competitive impact on other air carriers. Moreover, it does not appear that the common control relationships arising from the proposed transaction i.e., common control of CHA, HAS, and Mercantile by various members of the Carroll Group, and common control of CHA, MKT, and Jewell by Mr. Carroll and the 1958 Trust, will result in any adverse competitive effect or conflicts of interest. The services provided by these carriers or persons engaged in phases of aeronautics are neither competitive nor complimentary, as was noted in Order 73-5-120. Accordingly, little potential for such conflicts exists.[12] While it might be theoretically possible for Jewell to use CHA's potential as a buyer of helicopters to force manufacturers to buy its products, it does not appear, because of CHA's small size, that such an event is likely. Thus, the possibility does not give rise to a significant anti-competitive effect.

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[8] The paragraph requires in pertinent part as a condition of the approvals granted in that order, an annual report providing "the amount and a brief description of all financial interests in CHI and its subsidiaries by . . . Wallace E. Carroll and any trust company or other entity of which he is an officer, director, or trustee or in which he has a financial interest or any subsidiary or affiliate thereof."

[9] It has been concluded that, although the transaction in Docket 28148 has already been consummated, "execptional circumstances" within the meaning of the Sherman Doctrine as expressed in Sherman, Control and Interlocking Relationships, 15 C.A.B. 876, 881, (1952) exist and that there is no impediment to the processing of the application on its merits.

[10] Section 408(f) states that ". . . any person owning beneficially 10 percentum or more of the voting securities or capital . . . of any air carrier shall presumed to be in control of such air carrier unless the Board finds otherwise."

[11] In Order 73-5-120, the American Gage & Machine Company Profit Sharing Trust, as part of the Carroll Group, was found to be in control of CHI even though it owned only 0.22 percent of the outstanding CHI stock itself.

Finally, the petitions present an extension of existing control. In approving the original control of CHI by the Carroll Group, the Board expressed concern over the Carroll Group's ability to drain CHA of its resources, but concluded that the potential for such an occurrence was minimal, noting, inter alia, the control of a larger block of stock by the Polk Group and CHA's already limited resources.[13] The Carroll Group would now admittedly have unbridled power to drain CHA's resources as a result of the proposed transactions, but the record does not indicate that this will occur. On the contrary, the evidence including, inter alia, the stated motives for the Deister merger indicates Mr. Carroll's commitment to turning CHI and CHA into viable, profitable concerns. In addition, CHA's resources are still rather limited. Moreover, the Board will impose the reporting requirements of Order 73-5-120, which were designed to monitor such an occurrence, on the approvals which we have tentatively concluded should be granted.

Finally, we do not believe that the transactions will alter the control relationships involving the Carroll Group and CHI sufficiently to invalidate our previous decision that the second proviso of section 408(b) does not create a statutory bar to approval of the relationships, *i.e.*, that neither Mr. Carroll nor the Carroll Group as personified by him is a carrier other than an air carrier, a person controlled by an air carrier other than an air carrier, or an affiliate of an air carrier other than an air carrier within the meaning of section 5(8) of the Interstate Commerce Act.[14]

The Board further tentatively concludes that there are no disputed facts in issue which require a hearing for their resolution; that the salient facts are a matter of public record since they are fully set forth in the petitions; and that a protracted hearing on the matter could adversely affect the interest of the parties to the transaction because of the cost of a formal hearing and the already poor financial state of the air carrier involved. In its final order, the Board intends to retain jurisdiction in this proceeding for the purpose of imposing such terms or conditions on its approval as may be required in the public interest.

Therefore, consistent with similar past procedures utilized by the Board[15], the Board has decided to direct all interested persons[16] to show cause why the tentative findings, conclusions, and proposed approval should not be made final.

Accordingly, it is ordered, That: 1. Interested persons are directed to show cause why the Board should not make final its tentative findings and conclusions and issue an order which would:

a. approve the acquisition of control of CHI and, through CHA resulting in the common control of CHA, HAS, and Mercantile by Mr. Carroll, IMM, IMMAC, the 1954 Trust, and the 1955 Trust, resulting from the transactions described in the petitions in Dockets 21998 and 28648;

b. approve the common control of CHI, CHA, HAS, and Mercantile on the one hand, and MKT (and its subsidiary motor carriers) and Jewell, on the other, by Mr. Carroll, the remaining members of the Carroll Group as above, and other Carroll family interests holding stock in Katy (the 1958 Trust and other members of the Carroll family and trust), resulting from the transactions as described in the petition in Dockets 21998 and 28648; and

c. subject the approvals granted in a. and b., above, to the conditions of subparagraphs 1(a) and 1(b) of Order 73-5-12;

2. Any person disclosing a substantial interest in the acquisitions discussed herein and supporting or objecting to the issuance of an order making final the tentative findings and conclusions set forth herein, or desiring the imposition of additional or different conditions upon approval, shall file comments with the Board within twenty-one days of the date of service of this order;[17] and

3. A copy of this order shall be served on the petitioners in this proceeding and the so-called Polk Group, as described in Order 73-5-120, in the care of Samuel H. Polk; and the Antitrust Division, Department of Justice.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-30943 Filed 10-20-76;8:45 am]

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[12] Order 73-5-120, supra, pp. 36 through 38.

[13] Order 73-5-120, supar, pp. 38, 39.

[14] Order 73-5-120, p. 39.

[15] See *The Black and Decker Manufacturing Company* Order 73-11-5, Nov. 1, 1973 and *San Francisco and Oakland Helicopter Airlines, Inc. Trans World Airlines, Inc. and United Aircraft, Corp.* Order 73-7-101, July 20, 1973.

[16] We anticipate that such persons will support their objections with detailed answers specifically setting forth the tentative findings and conclusions to which objection is taken. Persons supporting approval are similarly expected to document their positions.

[17] Such comments shall comply with the requirements of the Board's Procedural Regulations, 14 CFR 302.

[Docket 27813 Agreement C.A.B. 25775; Order 76-10-62]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of October, 1976.

Agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to North/Central Pacific passenger fares.

By Order 76-5-158, May 28, 1976, the Board acted on an agreement among the carrier members of the International Air Transport Association (IATA) which proposed increases in air fares over the North/Central Pacific through September 30, 1976. In that order, the Board considered various arguments advanced by the Puget Sound Traffic Association (PSTA) which urged disapproval or conditioning of the agreement to remove the existing common-faring of Seattle with other, more distant U.S. west-coast gateways so as to require that fares be mileage-related. The Board noted that related issues were presently pending in formal evidentiary proceedings and decided that the agreement itself did not present an appropriate occasion for their resolution. PSTA has petitioned for reconsideration of that decision, to which Pan American World Airways, Inc. (Pan American) has made reply.

PSTA contends the Board's dismissal of its objections is arbitrary and capricious, and constitutes an abuse of its discretion. PSTA notes that, while the Board on its own initiative disapproved Alaska-Far East fare increases because of yield disparities between those fares and fares to/from other U.S. west-coast gateways, it took no action with respect to PSTA's contention that Seattle-Far East passengers are subject to similar disparities in yield. PSTA further contends that the two proceedings noted in the order are not related to the issue at hand since neither proceeding relates to transpacific international passenger fares; that domestic fare policies do not automatically apply to international fare matters; and that unquestioning application of any possible findings of unlawfulness in domestic common-fares can not lawfully be applied to an IATA agreement on Pacific fares without some evidence suggesting a logical link between the two.

PSTA further contends that the Board's action is inconsistent with its present policy on common-fairing, which requires a finding that the practice is unlawful unless justified by "special circumstances" (which no carrier has here demonstrated) and is a departure from the previous policy which has treated PSTA's arguments on common-faring within the context of its disposition of IATA fare and rate agreements. Finally, PSTA contends that the Board's treatment of its objections amounts to an unreasonable withholding of agency action, and that the Board should not have considered Pan American's response to PSTA's initial comments since that carrier's historical participation in the Seattle-Tokyo market has been nil and much of the carrier's response is otherwise misleading.

In its answer, Pan American argues that the Board's expectation, stated in Order 76-5-158, that the carriers specifically address PSTA's arguments in any justification for the next North/Central Pacific fare agreement implies an intent by the Board to reconsider the matter at that time and that, in this light, PSTA's petition is moot. The carrier further contends that disposition of the related issues in the two pending evidentiary proceedings may be relevant to disposition of the issue raised here by PSTA in which there has been no evidentiary hearing; that in seeking a change in an existing practice, the burden of evidence is upon PSTA (under Rule 506 of the Board's Rules of Practice) to show that the change is just, reasonable and otherwise not unlawful; and that the Board has previously stated that the need for international cooperation and comity sometimes necessitates acceptance of IATA-agreed fares and rates which depart from what it regards as the preferred structure.

It should first be pointed out that the May 1976 agreement did not present a new North/Central Pacific fare structure for Board action or close fares in the area. Rather, it merely increased the level of fares then in effect. Thus, the issues and, for that matter, the resolutions before the Board for approval were narrow ones and did not present an appropriate occasion to consider and decide a general question such as whether or not to continue common-faring Seattle with other west-coast gateways.

However, in Order 76-5-158, we decided upon the manner in which the issue is to be reviewed. In view of the length of time the present common-faring practice has existed and the potential effect of de-common-faring upon route and fare relationships, the Board concluded that the matter could not be decided without a more full presentation of the issues by all parties concerned. Our May 1976 Order placed the carriers on notice that they will be expected to consider PSTA's comments and to address them fully in their justification for the next major IATA North/Central Pacific fare agreement, which is presently being negotiated for effect April 1, 1977. Our consideration of the merits of PSTA's claims will be made only after that full briefing of the issues.[1]

Accordingly, it is ordered, That: The petition of the Puget Sound Traffic Association for reconsideration of Order 76-5-158 be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

MINETTI AND WEST, DISSENTING

For the reasons set forth in our partial dissent from Order 76-5-158, May 28, 1976, we would grant the petition of the Puget Sound Traffic Association.

G. JOSEPH MINETTI
LEE R. WEST

[FR Doc.76-30942 Filed 10-20-76;8:45 am]

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[1] We note that in his June 22, 1976, Initial Decision in Domestic Common Fares Investigation, Docket 27330, the administrative law judge recommended the institution of an investigation of west-coast common-faring with respect to both Hawaii and Far East points. His decision has yet to be reviewed by the Board. In the event the Board sets down an investigation along the lines recommended by the administrative law judge, of course, the investigation would involve a thorough review of the issues raised by PSTA.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TEXTILE CONSULTATIONS WITH JAPAN, ROMANIA AND THE REPUBLIC OF CHINA

Soliciting Public Comment

OCTOBER 18, 1976.

On April 21, 1974, the Committee for the Implementation of Textile Agreements published a notice in the FEDERAL REGISTER (39 FR 13307) conveying the Committee's intention to announce and solicit comment on U.S. Government actions implementing the GATT Arrangement Regarding International Trade in Textiles.

Pursuant to the terms of the Arrangement and certain bilateral textile agreements entered into thereunder, the Committee anticipates holding consultations with the Governments of Japan, Romania and the Republic of China by December 31, 1976. Any party wishing to express a view or provide data or information with regard to the treatment of any product under the bilateral textile agreements between the Governments of the United States and Japan, Romania and the Republic of China and any other aspects thereof, or with respect to imports of other textile products from these countries, is invited to submit such in ten copies to Mr. Robert E. Shepherd, Acting Chairman of the Committee for the Implementation of Textile Agreements and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Room 3826, Washington, D.C. 20230. Inasmuch as the exact timing of the consultations is not yet certain or subject to change, comments should be submitted promptly.

To enable timely consideration, comments concerning consultations with the Republic of China should be submitted so as to be received by November 1, 1976.

Views, data or information submitted under this procedure will be available for public inspection in the Office of Textiles, Room 2815, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, and may be obtained upon written request pursuant to the Freedom of Information Act, as amended, 5 U.S.C. 552 (Supp. IV 1974) and the regulations of the Department of Commerce (15 CFR Part 4 (1976)). Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on any negotiation, consultation, market disruption or any other matter pursuant to this notice is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) and 554(a)(4) (1970) relating to matters which constitute "a foreign affairs function of the United States".

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-30920 Filed 10-20-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 632-7]

MINORITY BUSINESS ENTERPRISES

Proposed Policy on Utilization of A&E/Consultant; Correction

On September 3, 1976, notice was published in the FEDERAL REGISTER (pages 37394-37395) concerning this Agency's minority business enterprise proposed policy on utilization of architects and engineers/consultants. In that notice, no comment period was extended to the public. All comments should be directed to Ms. Frances Adkins, Compliance Staff, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460, on or before November 22, 1976.

Dated: October 8, 1976.

ALVIN L. ALM,
Assistant Administrator for Planning and Management.

[FR Doc.76-30851 Filed 10-20-76;8:45 am]

[PPT16; FRL632-8]

MOBAY CHEMICAL CORP.

Filing of Food Additive Petition

Mobay Chemical Corp., PO Box 4913, Hawthorn Rd., Kansas City MO 64120, has submitted a petition (FAP 6H5148) to the Environmental Protection Agency (EPA) which proposes to amend 21 CFR Parts 193 and 561 by establishing a food additive regulation permitting the use of the nematicide (ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate) in proposed experimental programs involving application of the nematicide to growing apples and peaches with a tolerance limitation for the pesticide and its cholinesterase-inhibiting metabolites of 10 parts per million (ppm) in dried peaches and 0.2 ppm in dried apples and apple pomace.

Notice of this submission is given pursuant to the provisions of the section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the FEDERAL REGISTER Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be submitted as soon as possible and should bear a notation indicating the petition number "FAP 6H5148". Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the FEDERAL REGISTER Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 12, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-30850 Filed 10-20-76;8:45 am]

[OPP-50263; FLR 632-1]

NORTH DAKOTA STATE UNIVERSITY

Issuance of an Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), an experimental use permit has been issued to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 35963-EUP-3. North Dakota State University, Agriculture Experiment Station, Fargo, North Dakota 58102. This experimental use permit allows the use of 70 pounds of the desiccant sodium chlorate on sunflowers to evaluate the use of the chemical as a harvest aid. A total of 10 acres is involved; the program is authorized only in the State of North Dakota. The experimental use permit is effective from September 15, 1976 to September 15, 1977. A temporary exemption from the requirement of a tolerance for residues of sodium chlorate in or on sunflower seeds has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: October 14, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-30852 Filed 10-20-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

COMMITTEE OF SENIOR REVIEWERS

Meeting

OCTOBER 18, 1976.

The Committee of Senior Reviewers will hold a meeting on November 8 and 9, 1976, at the Savannah River Operations Office, Aiken, South Carolina. The subjects scheduled for discussion involve weapons, laser fusion, isotope separation, and other topics concerned with Restricted Data and other National Security Information.

This meeting will be closed to the public under the authority of subsection 10(d) of Pub. L. 92-463 (the Federal Advisory Committee Act).

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the discussions will concern Restricted Data which is exempt from disclosure under 5 U.S.C. 552(b) (1) and (3) and other National Security Information which is exempt from disclosure under 5 U.S.C. 552(b)(1). It is essential to close the meeting to protect such classified information.

HARRY L. PEEBLES,
Deputy Advisory Committee
Management Officer.

[FR Doc.76-30937 Filed 10-20-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1010]

CBS, INC.

Petitions for Reconsideration of Actions in Rule Making Proceedings Filed

OCTOBER 18, 1976.

Docket or RM No.	Rule No.	Subject	Date received
20659	Pt. 73	Amendment of pt. 73 of the Commission's rules to establish requirements for captioning of emergency messages on television. Filed by Eleanor S. Applewhite and Benton J. Levy, attorneys for CBS, Inc.	Oct. 15, 1976

NOTE.—Oppositions to petition for reconsideration must be filed on or before Nov. 15, 1976. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATION
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-30936 Filed 10-20-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

MIDDLE DISTILLATES SET-ASIDE PROGRAM

State Energy Offices Guidelines

On August 5, 1976, the Federal Energy Office ("FEO") (which assumed the functions of the Federal Energy Administration ("FEA") during the interim between the expiration of the Federal Energy Administration Act and the signing on August 14, 1976 of the Energy Conservation and Production Act) issued Special Rule No. 3 for Subpart A of 10 CFR Part 211, creating a set-aside reserve for middle distillates to be administered by State Energy Offices for the period August 1976 through March 1977. At the time of issuance of Special Rule No. 3, FEO indicated that, to assure uniform treatment to applicants and as an aid in administering the special set-aside procedures, FEO would issue guidelines for administration of the Special Rule to the State Offices and Regional Offices.

Accordingly, FEA hereby publishes in the Appendix to this Notice the guidelines to be used in evaluating applications made pursuant to Special Rule No. 3.

Dated: October 15, 1976.

MICHAEL F. BUTLER,
General Counsel.

APPENDIX

GUIDELINES TO STATE ENERGY OFFICES FOR ADMINISTRATION OF THE MIDDLE DISTILLATES SET-ASIDE PROGRAM

1. *Scope.* These guidelines are issued to provide a consistent basis for application of FEA regulations with respect to temporary assignments of middle distillates from the set-aside reserve created pursuant to Special Rule No. 3 for Subpart A of 10 CFR Part 211 (the "Special Rule"). This reserve is provided to respond to supply hardships or emergencies of all wholesale purchaser-consumers and end users and to assure continuity of supply to eligible wholesale purchaser-resellers during the transitional period following the exemption of middle distillates from allocation regulations. Assignments from the set-aside will be made only for supply inter-

ruptions or emergencies; price considerations will not enter into the application of the criteria and procedures specified below, except as provided in section 4(c)(iii)(D) below. These guidelines are intended to clarify the criteria to be applied in determining the eligibility of applicants and the procedures for handling applications.

2. *Certification of Acceptance of Authority.* Administration of the Special Rule by State Offices is voluntary. State Offices which were administering the State set-aside for middle distillates during July 1976, should notify the appropriate Regional Administrator in writing if they do not intend to administer the program. State Offices which have previously declined to administer the State set-aside will be assumed to have declined to administer the Special Rule unless a written statement to the contrary is provided to the appropriate Regional Administrator. FEA Regional Offices will administer the program on behalf of any states declining.

3. *Substantive Criteria Applicable to Assignment of Supplier and Volume of Product*—(a) *General.* FEA has promulgated the Special Rule to assist in alleviating any supply hardships experienced by consumers and to assure that established marketers do not lose supply sources without adequate time to arrange for new suppliers. Assignments under the Special Rule should in no case be made as a substitute for the diligent and earnest efforts by the applicant to acquire necessary supplies without government intervention. Applicants claiming financial hardships because of a current supplier's price may not be granted an assignment under the Special Rule if the current supplier is willing to supply.

(b) *Eligibility of Wholesale Purchaser-Consumers and End-Users.* Assignments may be made to wholesale purchaser-consumers and end-users only to respond to emergencies or hardships resulting from inability to obtain adequate supplies of middle distillates. All consumers are eligible for assignments from the set-aside, if necessary to respond to such emergencies or hardships, whether or not the consumer has previously had a supplier-purchaser relationship in effect with a supplier.

(c) *Eligibility of Wholesale Purchaser-Resellers.* In order to allow eligible wholesale purchaser-resellers to maintain the continuity of their business operations while locating new sources of supply, temporary assignments may be made under the Special Rule to wholesale purchaser-resellers whose supplies have been significantly curtailed or terminated or who are unable to obtain a volume of middle distillate equal to their base period use. To be eligible for an assignment under the Special Rule, a wholesale purchaser-reseller must meet several criteria:

(i) *Previous Status under Mandatory Petroleum Allocation Regulations.* Eligible resellers are only those resellers that (A) were marketing middle distillates on July 1, 1976, and (B) had established a supplier-purchaser relationship and an authorized base period use under 10 CFR Part 211. Wholesale purchaser-resellers that initiated business operations subsequent to January 15, 1974, and who did not establish a supplier-purchaser relationship and base period use under the allocation program are not eligible for assignments.

(ii) *Demonstration of Diligent Efforts.* A wholesale purchaser-reseller that is eligible under (i) above must demonstrate that it is unable to obtain a volume of product equal to its previously authorized base period use after diligent efforts to do so. Demonstration of a diligent effort should consist of evidence that the marketer has contacted all readily identifiable suppliers who supply the type of middle distillates sold by the applicant in its marketing area and that all of these suppliers have refused to supply the applicant. All such contacts should have been within 30 days prior to the date of application. Evidence of contacts with potential suppliers would ideally consist of a letter or document signed by each supplier who has declined to supply, but a certification signed by the applicant listing names of all suppliers contacted and dates contacted, and stating that each one declined to supply when contacted, would constitute the required evidence. Such a certification should be verified by the State Office to the extent practicable.

4. *Procedures*—(a) *General.* Applications should be made to the appropriate State Office, or FEA Regional Office for states not participating in the program, in accordance with the procedures of § 205.211 to 205.218 of Subpart Q of Part 205, as specified in Section 7 of the Special Rule, except that wholesale purchaser-resellers must submit written applications. Wholesale purchaser-consumers and end-users should use Form FEA-P-106-S-0 for this purpose, and wholesale purchaser-resellers should use Form FEA-17.

(b) *Processing.* State Offices should process all applications within ten (10) days of their receipt, in accordance with the following procedures.

(i) *Consultation with Prime Suppliers.* In processing applications from consumers and end users, State Offices should consult with the representatives of prime suppliers and any other appropriate persons to determine whether the requested supply can be met without issuance of a formal order.

(ii) *Evaluation of Applications.* In every instance of application from resellers, State Offices should evaluate the application to determine the eligibility of the applicant acocrding to the criteria specified in 3(c) (i) and (ii) above, and to ensure the completeness of the application. Applications should contain the information specified in § 205.34 (b) of Part 205, except, for the identification of aggrieved parties in § 205.34(b)(8). FEA believes that the short-term, temporary nature of the assignments to be issued under the Special Rule and the timely processing required by the emergency or hardship nature of the applications make the potential for aggrievement minimal and remove th necessity to invoke this procedure. Wholesale purchaser-resellers applying on FEA Form 17 will not be required to have a supplier complete line 12g (supplier's certification) of that form. If a wholesale purchaser-reseller has located a willing supplier, there will be no need for application for assignment.

(iii) *Verification of Facts.* For reseller applications, State Offices should verify that the applicant's current supplier has actually curtailed or terminated supply. In instances of assignments to consumers and end users additional data, such as information concerning the applicant's efforts to find a new supplier, volumes, etc., can be verified after an order is issued. The order should be vacated if it is subsequently discovered that the assignment was based on false information. In assignments to wholesale purchaser resellers, data should be verified prior to assignment. Any instances of falsified data or information on applications discovered by State Offices should be reported promptly to the appropriate Regional Administrator.

(c) *Issuance of Orders*—(i) *Volumes.* The assigned volume for wholesale purchaser-consumers and end users will be that volume required to met their certified current requirements. For wholesale purchaser-resellers the assigned volume will not exceed their previously established base period use for the month in question, less any supply such marketers may have access to (from any source).

(ii) *Terms of Assignments.* An assignment to an eligible wholesale purchaser-reseller may not exceed one 90-day period. Assignments for additional periods of 30 days may not be made to a reseller unless necessary to preclude hardship to or provide emergency requirements of ultimate consumers. In making an assignment for a period in excess of 30 days the State Office should verify, in consultation with the supplier's representative, the likelihood that the prime supplier will have adequate set-aside volumes for future months covered by the assignment. In no case may the supplier's obligation under any assignment extend beyond March 1977.

(iii) *Assignment of Suppliers*—(A) State Offices should make an assignment under the Special Rule to the applicant's past supplier, if possible. If not, every effort should be made to locate a willing supplier. If assignments must be made to unwilling suppliers, these assignments should be made in a manner designed to place proportionately equitable requirements on all prime suppliers.

(B) Determination of the supplier(s) to whom an assignment will be made should take full account of logistical considerations. State Offices should work closely with prime suppliers' designated representatives to determine the most logistically feasible method of delivering the assigned volume. Assignments should not be made to prime suppliers who do not market in the applicant's area directly or through a distributor.

(C) Determination of a prime supplier to whom an assignment will be made shall not be influenced by any consideration of price differentials among suppliers. Product supplied by prime suppliers in fulfillment of FEA assignments will be treated by other entities in the distribution chain, for price purposes, according to their normal business practices. For example, the price of product supplied through a bulk plant will reflect that plant's normal mark-up for product at the time of the transaction. The assignment may stipulate C.O.D. terms if the assigned prime supplier or his distributor requests these terms. In such cases, many customary discounts for C.O.D. terms should be applied.

(D) The requirements of 10 CFR 210.62(b) continue to apply to suppliers subject to assignments under the Special Rule to prohibit any form of discrimination (including price discrimination) which has the effect of circumventing, frustrating or impairing the objectives, purposes and intent of the Special Rule. Any complaints of discriminatory pricing practices should be referred to the appropriate FEA Regional Administrator for investigation and resolution.

(iv) *Content of Order.* Each order shall specify the volume assigned, the prime supplier to whom the assignment is made, the firm, if known, which is to make actual delivery of the volume to the applicant, and the estimated date and point of delivery. Copies of the order will be furnished to the prime supplier's representative and the applicant. Each month the State Offices should submit to FEA Regional Office copies of all orders issued during the previous month, together with a tabulation of set-aside usage of middle distillates, as currently required for other set-aside programs.

5. *Role of FEA Regional Offices.* FEA Regional Offices will cooperate with State Offices to assure uniform application of the provisions of the Special Rule and of these guidelines. This will allow FEA to be aware of any emerging supply problems which may have regional impacts and to discharge its responsibilities to further the objectives of the Emergency Petroleum Allocation Act.

[FR Doc.76-30868 Filed 10-18-76;11:07 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI76-35, etc.]

CONTINENTAL OIL CO., ET AL.

Order Permitting Withdrawal of Petition for Special Relief, Severing Proceeding, and Granting and Denying Temporary Certificates of Public Convenience and Necessity

OCTOBER 15, 1976.

This proceeding involves a joint project by Continental Oil Company (Continental), Getty Oil Company (Getty) and Cities Service Oil Company (Cities Service) to sell gas to Tennessee Gas Pipeline Company (Tennessee) from certain producing properties located in West Cameron Block 69, North Half, Offshore Louisiana. Continental originally filed application for this sale on September 29, 1975; Getty on October 6, 1975; and Cities Service on October 31, 1975. Each of these applications has since been amended in various ways, as summarized below. There are presently before the Commission requests by Continental and Cities Service for temporary certificates of public convenience and necessity to begin service to Tennessee at above the national rate and a motion by Getty to withdraw its application in part and sell its gas to Tennessee under a temporary certificate at the new national (Opinion No. 770)[1] rate. Hearing in this proceeding was completed October 1, 1976.

Background. The applications herein, as originally filed, each sought a certificate of public convenience and necessity to dedicate and sell gas to Tennessee from the subsea surface down to and including the base of the RD sand from approximately 2500 acres in West Cameron Block 69, north half. The parties held equal interests; Continental proposed to dedicate half of its ⅓ interest, while Getty and Cities Service proposed each to dedicate its own total ⅓ interest. Continental, the operator, proposed, by means of a transportation arrangement with Tennessee, to reserve its ½ undedicated portion of the gas for later sale to Olin Corporation for use in Olin's onshore ammonia plant in the Lake Charles area of southern Louisiana, pursuant to a pre-existing long-term commitment. It was estimated that each applicant's interest in the producing properties would produce 550,000 Mcf per month.

Applicants originally sought $1.60 for their gas, exclusive of production taxes, by way of special relief from the national rate pursuant to 18 CFR 2.56a(g) and/or 2.76, and temporary certification to begin sales at $1.33 per Mcf, subject to refund to the greater of the rate determined by the Commission or the National rate. By order of April 28, 1976, the Commission consolidated the three separate proceedings involving these applications, set them for hearing, and denied all three requests for temporary certificates.

By a series of amendatory filings, applicants increased their requested rate for the proposed sale and reinstated their requests for temporary certificate authorizations at higher rates. These filings are rendered moot by applicants' most recent filings, described below.

On August 25, 1976, Continental amended its application (1) to abandon its previous reservation of ½ of its gas for future sale to Olin Corporation and dedicate this one half to the proposed sale to Tennessee, thus making its total dedication to Tennessee 100 percent, and (2) increase its requested special rate relief to $2.10 per Mcf, assuming deliveries beginning by January 1, 1977, and to $2.43 per Mcf, assuming deliveries beginning after January 1, 1977. It also requested a temporary certificate at $2.10 per Mcf, subject to refund to the greater of the rate determined in this proceeding or the national rate ($1.42 per Mcf, Opinion No. 770).

On September 1, 1976, Cities Service requested a temporary certificate identical in terms to that requested by Continental, described above.

On August 30, 1976, Getty filed a motion that it be permitted to withdraw its petition for special relief and that its application herein be "treated and deemed to be an Application for a Temporary Certificate of Public Convenience and Necessity for the sale of its share of gas from Block 69 (N/2) * * * under the gas sales contract between Getty and Tennessee * * * at the nationwide rate of $1.42 per Mcf, with adjustments, as established by Opinion No. 770 issued in Docket No. RM75-14."

In various of its pleadings, Tennessee describes the work it would have to do to connect up the Continental-Getty-Cities Service gas: "It will be necessary for Tennessee to construct only 1.9 miles of 10 inch O.D. pipeline in order to gather the gas; Tennessee plans to construct such pipeline pursuant to its budget-gathering authorization."

Discussion and conclusions. In our order of April 28, 1976, in this proceeding we considered applicants' first requests for temporary certificates above the national rate. There we stated, mimeo p. 3:

> We believe applicants' requests for temporary certificates at $1.33 per Mcf must be denied. Section 18 CFR 2.56a(g) prevents an existing rate from being increased to above the national rate prior to special relief being granted. Neither is there any provision for a refundable rate increase pending outcome of a special relief proceeding under 18 CFR 2.76. Since temporary rate relief above national or area ceilings is not available in these situations for existing rates, there is no reason why it should be available for proposed rates for sales not yet certificated. However, applicants, if they so desire, may seek temporary certificates at the national new gas rate prescribed in Opinion No. 699, as amended.

The only differences between the temporary certificates sought before and those sought now are the price level (higher) and the fact that at the prehearing conference herein the Public Service Commission of New York voiced support for issuance of a temporary certificate, with refund provisions, at approximately $1.85 per Mcf. Upon further consideration of this matter, we have determined to deny the recently filed requests for temporary certificate by Continental and Cities Service at the $2.10 level, or any level above the new national (Opinion No. 770) rate, for the same reasons stated in our order of April 28. However, Getty's request for a temporary certificate, now being at the national rate, is in a different category and will be granted.

Although we deny Continental's and Cities Service's request for temporary certificates at above-national rates, we will grant them temporary certificates similar to Getty's at the national rate so that, if they so desire, they may begin service with Getty.

As to the other point of Getty's motion, we will grant its request to withdraw its petition for special relief. Also, since this appears to make the issues raised in this consolidated proceeding moot as to Getty, we will sever Getty's docket, No. RI76-42, from the consolidation.

The Commission finds: (1) The requests of Continental and Cities Service for temporary certificates of public convenience and necessity at above the national rate, described above, should be denied.

(2) Getty's motion to withdraw its petition for special relief should be granted and its docket should be severed from this proceeding.

(3) Based upon allegations presented in requests for temporary authorization by Continental, Getty, and Cities Service to initiate the sale or transportation of natural gas in interstate commerce pursuant to § 157.28 of the Commission's regulations, as amended, filed in this proceeding, and other filings by the applicants in this proceeding, the Commission finds that an emergency exists and that temporary certificates should be issued to Continental, Getty, and Cities Service pursuant to section 7 of the Natural Gas Act.

The Commission orders: (A) The temporary certificates of public convenience and necessity requested herein by Continental Oil Company and Cities Service Oil Company at rates above the national (Opinion No. 770) rate are hereby denied.

(B) Getty Oil Company's request to withdraw its petition for special relief is hereby granted and its docket, No. RI76-42, is hereby severed from this proceeding.

(C) A temporary certificate of public convenience and necessity is hereby issued to Getty Oil Company in Docket No. CI76-802 for the sale of gas to Tennessee Gas Pipeline Company, as described in the body of this order, with rate schedule designation as follows:

Description	*Designation*
Contract dated July 14, 1975.	Getty Oil Company FPC Gas Rate Schedule No. 216.

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[1] Opinion and Order Prescribing Uniform National Rate for Sales of Natural Gas Dedicated to Interstate Commerce On Or After January 1, 1973, for the Period January 1, 1975, to December 31, 1976, Docket No. RM75-14, issued July 27, 1976.

(D) A temporary certificate of public convenience and necessity is hereby issued to Continental Oil Company in Docket No. CI76–804 for the sale of gas to Tennessee Gas Pipeline Company, as described in the body of this order, with rate schedule designation as follows:

Description	*Designation*
Contract dated September 24, 1975, amended August 20, 1976.	Continental Oil Company, FPC Gas Rate Schedule No. 426.

(E) A temporary certificate of public convenience and necessity is hereby issued to Cities Service Oil Company in Docket No. CI76–805 for the sale of gas to Tennessee Gas Pipeline Company, as described in the body of this order, with rate schedule designation as follows:

Description	*Designation*
Contract dated October 14, 1975.	Cities Service Oil Company, FPC Gas Rate Schedule No. 430.

(F) The above temporary certificates are issued subject to the Commission's Opinion Nos. 699 and 770 and any further orders issued thereunder and to the following express conditions:

(1) The authority granted herein is specifically conditioned to the rate and charge set forth in § 2.56a of the Commission's General Policy and Interpretations. Consistent therewith, the initial rate shall be the lesser of the rate provided in the contract or the national rate provided in Opinion No. 770; *Provided, however*, That prior to commencement of service by a recipient of a temporary certificate hereunder, such recipient shall file an express refund undertaking as provided by Ordering Paragraph (A) of the Commission's order issued August 13, 1976, in Docket No. RM75–14.

(2) If a recipient chooses not to submit the express refund undertaking required by the August 13, 1976, order, it may commence service at the lesser of the initial rate provided for in the contract or the national rate provided in Opinion No. 699–H (52.0¢ per Mcf at 14.73 psia, plus tax reimbursement and subject to upward and downward Btu adjustment from a base of 1,000 Btu).

(3) Each recipient's acceptance or rejection of its temporary certificate shall be filed within 30 days of the date hereof. If accepted, the temporary certificate shall be effective upon the date of receipt of the acceptance by the Secretary. However, the temporary authorization will be effective only when and on condition that the purchaser or transporter of the natural gas to be sold thereunder is authorized by a certificate of public convenience and necessity, including a budget certificate, if appropriate, to construct and operate such facilities as may be necessary to receive and transport the gas. Service under this temporary certificate shall commence within 30 days from the date of completion of the facilities by the purchaser or transporter. Such service shall be continued unless or until abandonment authorization is granted pursuant to section 7(b) of the Natural Gas Act whether the contract term has expired or not.

(4) All persons making jurisdictional sales pursuant to the authority granted by this certificate are hereby given notice that the contractual obligations between the buyer and the seller are incorporated into the certificate obligations, and that the certificate is further conditioned to require that the seller shall observe the standard of a prudent operator to develop and maintain deliverability from reserves dedicated hereunder.

(5) The proposed rate schedules related to each temporary certificate will be considered accepted for filing upon compliance with this authorization to be effective on the dates of initial delivery, subject to the provisions of (18 CFR) §§ 154.94(c) and 154.101 of the Commission's regulations under the Natural Gas Act and paragraph (i) of (18 CFR) § 2.56a of the Commission's general rules. There shall be filed, within 30 days from the date of initial delivery under each temporary certificate, three copies of a billing statement which clearly sets forth the components of the rate to be charged.

(6) Each recipient shall advise the Commission of the date of commencement of deliveries under its certificate, making reference to the rate schedule number as designated above.

(7) The issuance of these temporary certificates and acceptance of the above rate schedules are without prejudice to such final disposition of the applications for permanent certificates and special rate relief as the record may require.

(G) Tennessee is hereby required to file an appropriate rate schedule, with a cost of service exhibit, at least 30 days prior to the initiation of a transportation service for Continental, Getty, or Cities Service for liquids or shrinkage and fuel volumes for recovery of liquefiable hydrocarbons, or within 60 days hereof if such service is commenced within such 60 day period.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30897 Filed 10-20-76;8:45 am]

[Docket No. E-8121]

GULF STATES UTILITIES CO.

Order on Petition for Modification of Commission Order

OCTOBER 15, 1976.

On July 21, 1976, the Sam Rayburn Dam Electric Cooperative, Inc. (SRDC) filed a petition for modification of the Commission's order issued in this proceeding on June 2, 1976. For the reasons hereinafter stated, the Commission shall grant SRDC's proposed petition in part, deny it in part, and defer decision as to certain proposals pending receipt of further data from the Gulf States Utilities Company (Gulf States).

On June 2, 1976, the Commission issued an order in this case by which Gulf States was required to refund to SRDC all monies collected pursuant to the rate schedule filed in this docket on April 10, 1973, which rate schedule was rejected by order of the United States Court of Appeals for the District of Columbia Circuit on July 11, 1975. *Sam Rayburn Dam Electric Cooperative, Inc.* v. *F.P.C.*, 515 F.2d 998 (D.C. Cir. 1975), cert. denied, ---- U.S. ---- (June 1, 1976).

By its order of June 2, the Commission ordered refunds to be made to SRDC within thirty days, with "simple interest compounded at 7 percent per annum." SRDC submits that this order of June 2 should be modified so as to reflect a rate of 9 percent per annum for all monies to be refunded which were collected after October 10, 1974, or an additional $298,932.23. SRDC further states that Gulf States presented SRDC's representative with the required refund on July 2, 1976, at approximately 2:30 p.m. C.D.S.T. at Gulf States' offices in Beaumont, Texas. The refund took the form of a cashier's check drawn on a California bank. As a result, SRDC alleges, it was not able to clear the check until July 6, 1976, thereby depriving it of three days interest in the amount of $6,255.40. SRDC requests that the Commission require Gulf States to pay this amount as well, "due to Gulf States' tardy tender and use of an out-of-state bank."

Gulf States tendered its answer on August 2, 1976, urging that SRDC's petition be denied. Gulf States alleges that (1) SRDC's petition is an untimely application for rehearing, (2) Order No. 513–A[1] forecloses the granting of SRDC's petition, (3) Gulf States relied on Order No. 513[2] in making its refund payments, therefore Order No. 513–A should be given prospective-effect only, and (4) Gulf States fulfilled its obligation by giving SRDC's a good check for the amount of the refund within the thirty-day period.

SRDC filed supplemental data on August 19, 1976, in which it calculated the allegedly "correct" amounts of refunds payable. SRDC alleges that Gulf States' calculations were erroneous because the Company computed interest at a rate of 7 percent instead of 9 percent and because Gulf States made various errors in calculating billing at the various points of delivery for SRDC. SRDC alleges in its August 19, 1976, filing that the amount Gulf States owes as an additional refund is $218,618.69, plus interest at 9 percent until the day Gulf States tenders a new check to SRDC. SRDC filed a reply to Gulf States' answer on August 24, 1976.

In "American Public Gas Association, et al. v. F.P.C.," No. 75–1104, (D.C. Cir., May 19, 1976), the U.S. Court of Appeals for the District of Columbia Circuit held Order No. 513 to be unreasonable and discriminatory in that the increased interest rate of 9 percent per annum was not applied to interest on all excess charges collected on and after October 10, 1974, without regard to the date on which the rate change was tendered, and to the interest accruing on and after October 10, 1974, on excess charges collected prior to October 10, 1974.

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[1] Docket No. RM74–18, issued July 14, 1976.

[2] Docket No. RM74–18, 52 FPC 920 (1974).

Pursuant to the Court's mandate, the Commission amended its Regulations concerning the appropriate rate of interest to be accrued on refunds.[3] As amended, the Regulations provide that an interest rate of 9 percent per annum shall apply to all amounts collected subject to refund in rate filings made on and after October 10, 1974, the date on which Order No. 513 was issued. Further, as required by the Court, an interest rate of 9 percent per annum shall apply to all excess rates and charges collected on and after October 10, 1974, without regard to the date of filing of the proposed increased rate. Further, the interest rate of 9 percent per annum shall be the applicable interest rate accruing on and after October 10, 1974, on excess rates and charges collected prior to October 10, 1974. The effectiveness of Order No. 513-A, however, was limited to those instances wherein a final and non-appealable Commission order directing the disbursement of refunds had not been issued as of the date of issuance of Order No. 513-A (July 14, 1976).

On August 19, 1976, the Commission issued an Order Granting Rehearing of Order No. 513-A for Purposes of Further Consideration. In our order on rehearing issued today, we held, inter alia, that:

> * * * an injustice could result from the fact that a period of nearly two months elapsed between the issuance of the Court of Appeals decision in "APGA" and the issuance of the Commission's order amending its regulations in Order No. 513-A. Parties might have interpreted the Court of Appeals decision as requiring a 9 percent interest rate on all excessive amounts collected after October 10, 1974, and failed to preserve their right to a higher rate in consequence. To remedy any possibility of injustice stemming from such reliance, the Commission shall amend its order to change the date on or before which final, non-appealable orders will be left unmodified from the date of Order No. 513-A (July 14, 1976) to the date of the Court of Appeals decision in the "APGA" case (May 19, 1976). (mimeo, pps. 5-6)

Inasmuch as Order No. 513-A has been amended so as to provide that the 9 percent interest rate on refunds shall not apply to refunds which have been required pursuant to final and non-appealable Commission orders issued before May 19, 1976, the higher interest rate clearly applies to the instant situation wherein the refund order was not even issued until June 2, 1976.

With respect to the timing of the Gulf States' refund payment, the Commission finds that Gulf States' tender was neither tardy nor improper. The ordering paragraph contained in our June 2, 1976, order merely required that "Gulf States shall, within thirty days of the date of issuance of the order," make refunds to SRDC. Gulf States' tender on July 2, 1976, made during the regular business hours of the day, was therefore not tardy. Furthermore, Gulf States was not required to have the check drawn on a local bank in Texas, so long as the form of payment was reasonable under the circumstances. The Commission finds that it was.

SRDC also argues that Gulf States made numerous errors in its billing calculations at the various delivery points for refund purposes. Although it appears that various errors were in fact made by Gulf States, the Commission is unable to determine from the available data precisely how Gulf States developed its total refund obligation.[4] We shall therefore deter decision on this issue and direct Gulf States to respond to each of SRDC's allegations of error, as more fully described in SRDC's filing of August 19, 1976, with particular emphasis to be placed on Gulf States' derivation of the interest amounts payable. We shall further direct Gulf States to prepare an additional report reflecting the correction of any errors that may have been made in its original refund calculation and showing, in detail, the derivation of its increased refund liability consistent with the foregoing provisions of this order.

The Commission finds: (1) Good cause exists to amend the Commission's June 2, 1976, refund order in this proceeding.

(2) Good cause does not exist to require Gulf States to pay additional interest for the period July 3-5, 1976.

(3) Good cause exists to require Gulf States to respond to SRDC's allegations of calculation errors.

The Commission orders: (A) The Ordering paragraph of the Commission's June 2, 1976, order in this proceeding is hereby amended to read "simple interest *computed at 9 percent per annum*" (the italics denotes changes).

(B) SRDC's request that Gulf States be required to pay additional interest for the period July 3-5, 1976, is denied.

(C) The Commission's decision with respect to SRDC's allegations that Gulf States made errors in its billing calculations at the various delivery points is hereby deferred pending receipt of Gulf States' response thereto, which response shall be filed within twenty (20) days of the issuance of this order. Gulf States shall further file at such time an additional report reflecting the correction of any errors that may have been made in its original calculations and showing, in detail, the derivation of its increased refund liability consistent with the provision of ordering paragraph (A) herein.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30900 Filed 10-20-76;8:45 am]

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[3] Order No. 513-A.

[4] Gulf States, in a subsequent pleading, admitted various mathematical errors and stated its intent to file corrected computations.

[Docket No. RP75-96]

MICHIGAN WISCONSIN PIPE LINE CO.

Extension of Time

OCTOBER 14, 1976.

On October 6, 1976, Staff Counsel filed a motion to extend the dates set for initial comments and reply comments on the settlement agreement filed on September 3, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the date for filing initial comments is extended to and including October 15, 1976, and the date for filing reply comments is extended to and including November 5, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30899 Filed 10-20-76;8:45 am]

[Docket Nos. CP76-255, etc.]

MICHIGAN WISCONSIN PIPE LINE, ET AL.

Modifying Procedural Dates

OCTOBER 14, 1976.

Michigan Wisconsin Pipe Line Company, Docket No. CP76-255; Michigan Consolidated Gas Company, Docket No. CP76-254; Northern Natural Gas Company, Docket No. CP76-271; Natural Gas Pipeline Company of America, Docket No. CP76-325; Natural Gas Pipeline Company of America, Docket No. CP76-353.

On September 24, 1976, Michigan Wisconsin Pipe Line Company filed a motion to modify the procedural dates fixed by order issued September 8, 1976, as most recently modified by notice issued September 13, 1976, so that applicants may file rebuttal testimony and exhibits in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Applicants' Cases-in-Chief, October 15, 1976.
Service of Testimony and Exhibits of Commission Staff and Intervenors, October 29, 1976.
Service of Applicants' Rebuttal Testimony, November 11, 1976.
Prehearing Conference, November 30, 1976.
Hearing, December 7, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30898 Filed 10-20-76;8:45 am]

[Docket No. RM74-18]

RATE OF INTEREST ON AMOUNTS SUBJECT TO REFUND

Order Clarifying and Amending Order No. 513-A and Denying Rehearing

OCTOBER 15, 1976.

On August 19, 1976, the Commission issued an order granting rehearing for purposes of further consideration of Order No. 513-A.[1] For the reasons hereinafter discussed, the Commission shall clarify and amend the order and deny rehearing.

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[1] Order No. 513-A, Docket No. RM74-18, issued July 14, 1976; Order Amending Regulations Under the Federal Power Act and the Natural Gas Act.

As stated in the Commission's August 19, 1976, order, an application for rehearing was filed on August 4, 1976, by various municipal distributor groups (Municipals)[2] purchasing natural gas from a number of the major interstate pipeline companies. The Municipals challenge that portion of Order 513-A which states that the Commission does not intend to reconsider or modify the interest rate in individual orders:

> Where there is a final non-applicable Commission order directing the disbursement of refunds of amounts collected or held during the time periods which are the subject of this order * * * (Mimeo p. 2).

The Municipals in their petition for rehearing of Order No. 513-A filed on August 4, 1976, argue that it is unreasonable and discriminatory to determine whether 7 percent interest or 9 percent interest is to be paid on excess amounts collected after October 10, 1974, on the basis of whether a final, non-appealable order has been issued in a case. The Municipals cite *Austral Oil Co.* v. *F.P.C.*, 428 F.2d 407, 444-45 (5th Cir. 1970), clarified on rehearing, 444 F.2d 125 (1971) for the proposition that the Commission has not only the authority but also the duty to stay, modify or rescind any part of a final, non-appealable order where changed circumstances have made such a change advisable in the public interest. They further contend that the Court of Appeals opinion in *American Public Gas Association, et al*, v. *F.P.C.*, No. 75-1104, (D.C. Cir., May 19, 1976) has removed the matter from Commission discretion and made it mandatory that the Commission apply order No. 513-A retroactively to all excess amounts collected since October 10, 1974, regardless of the finality of the Commission's orders. The Municipals argue additionally that even if the Commission had discretion as to whether or not it would reopen cases in which a final, non-appealable order had been issued, the Commission would abuse its discretion if it did not reopen such cases, since the issuance or non-issuance of a final, non-appealable order does not alter the illegality of the 7 percent interest rate as to excess charges collected after October 10, 1974. For the above reasons, the Municipals request rehearing of Order No. 513-A and that the Commission on rehearing order all pipelines to pay a 9 percent interest rate on all overcharges collected after October 10, 1974, regardless of whether or not final, non-appealable orders had previously issued in a given rate proceeding.

On September 3, 1976, timely responses in opposition to the Municipals' petition for rehearing were filed by Cities Service Gas Company and Natural Gas Pipeline Gas Pipeline Company of America, and on September 7, 1976, an untimely response in opposition to rehearing was filed by United Gas Pipe Line Company.

On August 13, 1976, an application for rehearing was filed by Northern Illinois Gas Company (NIGas). NIGas contends that Order No. 513-A fails to comply with the ruling of the Court of Appeals in *American Public Gas Ass'n.* v. *F.P.C.* (APGA)[3] since it substitutes one fortuity, the date an order becomes final and non-appealable, for another, the company's filing date. NIGas argues that, if the Court of Appeals found that the company's filing date had no rational relationship to the compensatory purposes of the statutes permitting the Commission to order refunds with interest (Slip op. at pp. 9-10), the same reasoning would forbid the use of the date an order becomes final as a standard for distinguishing between customers who will receive 7 percent interest for overcharges and those who will receive 9 percent. NIGas contends that the Commission has itself recognized that the Court of Appeals intended that all excess charges collected after October 10, 1974, be refunded at 9 percent interest in its July 27, 1976 order in *Northern Natural Gas Company*, Docket Nos. RP74-75 and RP75-89, where the Commission states at page 4:

> The Commission notes that the settlement agreement provides for the payment of 7 percent annual simple interest for the refunded amounts. The Circuit Court of Appeals for the District of Columbia decided in *American Public Gas Association, et al.* v. *FPC*, No. 75-1104 (May 19, 1976) that the 9 percent interest rate, made applicable by Order No. 513, Docket No. RP74-18 (issued December 10, 1974), should be applied *to all excess amounts collected after October 9, 1974*. Accordingly, Northern will be required to refund the approximately $8.3 million amount under this agreemnt with interest computed at a rate of 7 percent for the period prior to October 10, 1974 and at a rate of 9 percent for the period on and after October 10, 1974. This follows the Court's decision, and the Commission belief that it is in the public interest to allow the customers to receive the benefits of the interest rates which this Commission has held to be applicable for the periods involved. (emphasis added)

NIGas argues further that to apply the 9 percent interest rate to all excess charges collected on and after October 10, 1974, would (1) avoid penalizing those who diligently worked to settle disputed rate cases and therefore have secured a final, non-appealable order; and (2) would avoid penalizing pipeline customers because of the delay of nearly two months between the issuance of the Court of Appeal's decision and the date Order No. 513-A was issued.

Finally NIGas argues that the Commission has not adhered to section 4(b) of the Administrative Procedure Act which provides that an agency adopting rules pursuant to a rulemaking proceeding "shall incorporate in the rules adopted a concise general statement of their basis and purpose." NIGas contends that the Commission has provided no such statement to explain why:

> Order No. 513-A denies the increased rate to one group of similarly situated consumers based on the date a refund disbursement order becomes final and non-appealable.

With respect to the contention of the Municipals and NIGas that it is unreasonable and discriminatory to determine whether 7 percent interest or 9 percent interest is to be paid on excess amounts collected after October 10, 1974, on the basis of whether a final, non-appealable order has been issued in a case, the Commission notes that the parties in proceedings where a final order has been issued have had the election to preserve their rights to the 9 percent interest rate, pending the outcome of the proceedings before the Court of Appeals, or by appeals of their own. Having been on notice of the pending appeal of Order No. 513, parties who are now seeking a higher interest rate could have preserved their rights thereto.

The practical reason for drawing a distinction is the importance of having conclusive, final judgments upon which the parties to a proceeding may rely without fear that at some later point the terms agreed to or relied upon will be subject to change. In the interests of such finality, the Commission has determined that it is reasonable and nondiscriminatory to make a distinction in the application of Order No. 513-A on the basis of whether a final, non-appealable order has been issued in a proceeding, particularly since all parties to such orders have been free to preserve their rights thereunder pending the decision of the Court of Appeals in "APGA" or by appeals of their own. The petitions for rehearing as to this issue will therefore be denied.

However, the Commission does find merit in the situation posed by NIGas that an injustice could result from the fact that a period of nearly two months elapsed between the issuance of the Court of Appeals decision in "APGA" and the issuance of the Commission's order amending its regulations in Order No. 513-A. Parties might have interpreted the Court of Appeals decision as requiring a 9 percent interest rate on all excessive amounts collected after October 10, 1974, and failed to preserve their right to a higher rate in consequence. To remedy any possibility of injustice stemming from such reliance, the Commission shall amend its order to provide that the 9 percent interest rate shall not apply to refunds which have been required pursuant to final and non-appealable Commission orders prior to May 19, 1976, the date of the Court of Appeals decision in the "APGA" case.

The Commission's order of August 19, 1976, granting rehearing for purposes of further consideration reported the filings of motions for clarification of or applications for rehearing on another portion of Order No. 513-A which states that, although the Commission has decided not to reconsider or modify final, non-appealable orders, orders, directing that refunds be made but which are not final and non-appealable shall be subject to

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[2] See Appendix A of the August 19, 1976 order.

[3] No. 75-1104 (D.C. Cir., May 19, 1976).

Order No. 513-A. As noted in the Commission's August 19, 1976, order, motions for clarification or applications for rehearing as to the application of this language to Opinion No. 598 were filed by Shell Oil Company (Shell) on July 21, 1976; by The California Company, a division of Chevron Oil Company on August 2, 1976; and by General American Oil Company of Texas on August 9, 1976. In addition, similar applications, most of them specifically adopting the application of Shell, above, and all seeking clarification or rehearing on the same subject, were filed by Aminoil USA, Inc., Aminoil Development, Inc. and Signal Petroleum, and Continental Oil Company on August 11, 1976; by Amerada Hess Corporation, Ashland Oil, Inc., and Phillips Petroleum Company on August 12, 1976; by Atlantic Richfield Company on August 13, 1976; and by Texas Production Company, et al. on August 16, 1976. All of these motions request clarification as to whether the language in 513-A quoted above applies to Opinion No. 598, the "Southern Louisana Area Rate Decision,"[4] and, in the application of Atlantic Richfield Company, to Opinion No. 662, Permian Basin Area II,[5] where refunds have been required at 7 percent interest by final and non-appealable order, but actual disbursement has not been ordered since the opinions provide producers an election to discharge refund obligations by a credit for dedication of new gas reserves to jurisdiction sale. Since the amount of refunds not completely discharged by such gas dedication will not be known until the work-off periods end on October 1, 1977 for Opinion 598 and January 1, 1978, for Opinion 662, no actual disbursements may be ordered until those dates. The motions request clarification as to whether Order No. 513-A intends that the 9 percent interest rate apply to the refunds which will be ordered to be disbursed, and if so, seek rehearing on this issue.

In Opinion 598 and 662, a final, non-appealable order has been issued as to the interest rate to be paid on the amount of refunds to be subsequently determined, and the provision in Order No. 513-A regarding final and non-appealable orders applies.[6] The circumstance that the actual disbursement of refunds cannot yet be ordered because the work-off period has not ended was not meant to be embraced by the language of Order No. 513-A referring to orders which "have been issued but are not final and non-appealable." The Commission shall therefore not reconsider or modify the 7 percent interest rate required by final and non-appealable order in Opinions 598 and 662 when the disbursement of refunds is actually ordered at the end of the work-off periods.

Having granted the motions for clarification of Order No. 513-A, we find that there is no need to act upon the alternative applications for rehearing of this issue.

The Commission finds. (1) Good cause exists to deny the applications for rehearing filed by the Municipals and NIGas.

(2) It is in the public interest to amend Order No. 513 in the manner hereinafter ordered.

(3) Good cause exists to grant the motions for clarification.

The Commission orders. (A) The applications for rehearing filed by the Municipals and NIGas are hereby denied.

(B) Ordering paragraph (D) of Order No. 513-A is hereby amended to provide that the 9 percent interest rate on refunds shall not apply to refunds which have been required pursuant to final and nonappealable Commission orders issued prior to May 19, 1976.

(C) The motions for clarification are hereby granted, and the Commission declares that the 9 percent interest rate on refunds shall not apply to refunds which have been required by final and non-appealable orders issued prior to May 19, 1976, but where actual disbursements have not yet been ordered.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30896 Filed 10-20-76;8:45 am]

[Docket No. CP76-3]

TRANSCO GAS SUPPLY CO.

Tariff Filing

OCTOBER 14, 1976.

Take notice that Transco Gas Supply Company (Gasco) on October 5, 1976, tendered for filing two tariff sheets to its FPC Gas Tariff, Original Volume No. 2 to become effective November 5, 1976. Gasco states that the purpose of the filing is to revise the Table of Contents and to include as part of its FPC Gas Tariff, as required by the Stipulation and Agreement accepted by Order issued May 28, 1976, in the instant docket, a list of advance payment agreements assigned by Transcontinental Gas Pipe Line Corporation (Transco) to Gasco.

The Company states that copies of the filing have been served on Transco and, for information purposes upon each of Transco's customers, interested State Commissions and each of the parties to the instant docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 2, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30901 Filed 10-20-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 130, D-Iowa-407-00]

IOWA ARMY AMMUNITION PLANT, BURLINGTON, IOWA

Transfer of Property

Pursuant to Section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated September 28, 1976, the property comprising approximately 111 acres of unimproved land identified as a portion of the Iowa Army Ammunition Plant near Burlington, Iowa, has been conveyed to the State of Iowa Conservation Commission.

2. The above described property was conveyed for wildlife conservation purposes in accordance with the provisions of Section 1 of said Public Law 537 (16 U.S.C. 667b), as amended by Public Law 92-432.

Dated: October 14, 1976.

NICHOLAS A. PANUZIO,
Commissioner,
Public Buildings Service.

[FR Doc.76-30957 Filed 10-20-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-20]

BISMUTH MOLYBDATE CATALYSTS

Termination of Investigation

Notice is hereby given that—

1. On May 26, 1976, the presiding officer in this investigation filed with the Commission his recommended determination to grant, in part, complainant's motion for an order (1) granting complainant leave to dismiss without prejudice the complaint filed with this Commission on July 3, 1975; (2) terminating this investigation; and (3) ordering the return to the supplier thereof all documents designated "Business Confidential" filed with the Commission or submitted to the Commission's investigative attorney, which motion was docketed by the Office of the Secretary as motion No. 20-3. The Commission, in its Notice and Order Concerning Procedure for Commission Action published in the FEDERAL REGISTER on June 16, 1976 (41 FR 24460), set the time schedule for the filing of exceptions and briefs in response to the presiding

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[4] 46 FPC 86 (1971), Docket No. AR61-2, et al.

[5] 50 FPC 390 (1973), Docket No. AR70-1 (Phase I).

[6] Further, Opinion 598 was appealed and has been sustained on Court review in *Placid Oil Co.* v. *F.P.C.*, 483 F.2d 880 (5th Cir. 1973) and in *Mobil Oil Corp.* v. *F.P.C.*, 417 U.S. 283 (1974), and Opinion 662 was sustained in *Chevron Oil Co., et al.* v. *F.P.C.*, unreported-order of CA 9th dismissing all petitions, No. 73-2861, et al. (August 21, 1974).

officer's recommendation, and the date for oral argument. The date for oral argument was postponed by a Notice and Order concerning Procedure for Commission Action published in the FEDERAL REGISTER on July 9, 1976 (41 FR 28367). Exceptions and briefs were duly filed by the parties, and oral argument was duly held on Monday, July 19, 1976.

2. The Commission grants[1] that part of complainant's motion requesting leave to dismiss the complaint of July 3, 1976, and orders that investigation No. 337-TA-20 be terminated. The Commission denies that part of complainant's motion requesting the return to the supplier of all documents designated "Business Confidential" in this investigation. The Commission Memorandum Opinion with respect to the above determination is available for inspection at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, and in the New York City office of the Commission at 6 World Trade Center.

By order of the Commission.

Issued: October 15, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-30880 Filed 10-20-76;8:45 am]

[Investigation No. 337-TA-22]

RECLOSABLE PLASTIC BAGS

Procedure for Commission Action

Notice is hereby given that:

1. The Commission will hold a hearing beginning at 10:00 a.m., e.s.t., December 16, 1976, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C., for the purposes of (1) hearing oral argument on the recommended determination of the presiding officer, concerning whether there is a violation of section 337 of the Tariff Act of 1930; (2) hearing oral argument concerning appropriate relief in the event the Commission determines that there is a violation of section 337 and determines that there should be relief; and (3) receiving information and hearing oral argument, as provided for in § 210.14(a) of the Commission's Rules of Practice and Procedure (41 FR 17710), concerning relief, bonding, and the public interest factors set forth in section 337 (d) and (f) of the Tariff Act which the Commission is to consider in the event it determines that there is a violation of section 337 and determines that there should be relief.

Parties and agencies wishing to make oral argument with respect to the recommended determination shall be limited to no more than 30 minutes per party, 10 minutes of which may be reserved by complainant for rebuttal; parties wishing to make oral argument with respect to relief shall be limited to no more than 15 minutes per party.

For the purpose of the part of the hearing on relief, bonding, and the public interest factors, each party, interested person, and agency will be limited to no more than 30 minutes for making its presentation; each participant will be permitted an additional 5 minutes for closing arguments after all the presentations have been concluded.

For the duration of this proceeding, complainants Minigrip, Inc., KCL Corp., and Millhiser Inc. will jointly share the time limits allocable to one party, since their interests are similar, and all respondents will jointly share the time limits allocable to one party for the same reason.

Requests for appearances at the hearing should be filed, in writing, with the Secretary of the Commission at his office in Washington no later than noon, December 13, 1976. Requests should indicate the part of the hearing (i.e., with respect to the recommended determination; relief; or relief, bonding, and the public interest factors) in which the requesting person desires to participate.

2. Briefs concerning the recommended determination may be filed by any party or agency. Complainants' briefs shall be filed not later than the close of business, Monday, November 8, 1976; respondents' briefs, briefs of the Commission investigative staff, and any other briefs (if any intervenors are later admitted) shall be filed not later than the close of business, Monday, November 22, 1976; and complainants' reply briefs shall be filed not later than Monday November 29, 1976. Briefs shall be served on all parties of record on the date they are filed. The cover of complainants' briefs shall be blue; respondents' briefs, red; the Commission investigative staff's briefs and intervenors' briefs (if any), green; and any reply briefs, gray. Concerned Government agencies may file briefs on any issue related to the recommended decision in the same style and at the same time as the Commission investigative staff.

3. Written comments and information are encouraged by any party, interested person, Government agency, or Government concerning relief, bonding, and the public interest factors set forth in section 337 (d) and (f) of the Tariff Act of 1930, as amended (19 U.S.C. 1337), which the Commission is to consider in the event it determines that there should be relief. A proposed order granting relief, including a determination of bonding, if appropriate, shall be filed by complainants and served by them upon all parties at the same time as complainants' brief is filed; respondents, the staff, and all other interested persons, Government agencies, and Governments shall file and serve upon all parties their comments and information on remedy, bonding, and the aforesaid public interest factors not later than the date set out above on which respondents' briefs are due; and complainants shall file and serve upon all parties their comments and information on these matters not later than the date on which their reply briefs are due.

Notice of the Commission's institution of the investigation was published in the FEDERAL REGISTER on January 15, 1976 (41 FR 2280). A notice of preliminary conference was published on February 25, 1976 (41 FR 8233). A notice of prehearing conference was published April 8, 1976 (41 FR 14947). Subsequently, the conference was postponed in the notice of April 21, 1976 (41 FR 16713). An additional respondent was added May 10, 1976, (41 FR 19163). A notice of prehearing conference was published June 30, 1976 (41 FR 26959), and a hearing notice was published July 22, 1976 (41 FR 30214).

By order of the Commission.

Issued: October 18, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-30985 Filed 10-20-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[76-92]

SPACE PROCESSING PAYLOAD ADVISORY SUBCOMMITTEE

Meeting

The Applications Steering Committee, Space Processing Payload Advisory Subcommittee will meet in Washington at the Department of Health, Education, and Welfare (North Building), 300 Independence Avenue, S.W., on November 9, 1976. The meeting will be held in Room 5051 from 9:00 a.m. to 4:30 p.m. The public will be admitted beginning 15 minutes before the scheduled start and attendance will be on a first come-first serve basis up to the seating capacity of the room.

This Subcommittee is chartered to review the Space Processing Shuttle Payload development activities and advise NASA from the standpoint of experimenters and/or sponsors of experiments on the payload equipment to be provided for materials science research and development experiments planned for the Space Transportation System missions in the early 1980's.

At the subject meeting, the Subcommittee will identify those scientific topics in materials processing recommended for space investigations in the early 1980's and the processing facilities necessary to support the identified lines of investigations.

Following is the approved agenda and schedule for the meeting.

Time	*Subject*
9:00 a.m.	Introduction.
9:30 a.m.	Subcommittee Discipline Group Discussions.
12:00 Noon.	Subcommittee Recommendations.
4:30 p.m.	Adjourn.

For further information, please contact Mr. Mark B. Nolan, NASA Headquarters, Washington, DC 20546, telephone (202) 755-3848.

Dated: October 15, 1976.

DUWARD L. CROW,
Associate Deputy Administrator.

[FR Doc.76-30863 Filed 10-20-76;8:45 am]

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[1] Commissioners Leonard and Minchew voted to deny complainant's motion in its entirety.

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR SCIENCE EDUCATION

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Science Education.

Date: November 11 and 12, 1976.

Time: 9:00 a.m. each day.

Place: Rm. 651, 5225 Wisconsin Avenue, NW., Washington, D.C.

Type of meeting: Open.

Contact person: Ms. Fran Watts, Staff Assistant, Science Education Directorate, National Science Foundation, Rm. W-600, Washington, D.C. 20550, telephone (202) 282-7930.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel Management, National Science Foundation, Rm. 212, Washington, D.C. 20550.

Purpose of advisory committee: To provide advice and recommendations concerning the impact of all Foundation activities (including research, scientific information, and international programs, as well as, specifically, "education" programs) relating to education in the sciences in U.S. schools, colleges and universities.

AGENDA

November 11: Welcome Remarks by AD/SE and Introductions, Remarks by Acting Director, NSF (Tentative); Conflict of Interest Rules for Advisory Committee Members. Status of FY 1977 Funds and Programs: Pre-College Teacher Training, Science for Citizens Minority Graduate Centers, Development and Research EHVIST.

November 12: Planing Environment Document for NSF, Strategic Issues for 1977 Anual Report.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-30977 Filed 10-20-76;8:45 am]

ADVISORY PANEL FOR HISTORY AND PHILOSOPHY OF SCIENCE

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for History and Philosophy of Science.

Date and time: Nov. 12 and 13, 1976-9:00 a.m. to 5:00 p.m.

Place: Rm. 511, National Science Foundation, 1800 G Street NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Ronald J. Overmann, Assistant Program Director, History and Philosophy of Science Program, Rm. 312, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4348.

Purpose of panel: To provide advice and recommendations concerning support for research in History and Philosophy of Science.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-30980 Filed 10-20-76;8:45 am]

INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Proposal Review Panel for the Office for the International Decade of Ocean Exploration.

Date and time: November 11-12, 1976—9:00 a.m. to 6:00 p.m. each day.

Place: Room 643, National Science Foundation, 1800 G Street NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Mr. Freenan D. Jennings, Head, Office for the International Decade of Ocean Exploration, Room 605, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-7356.

Purpose of panel: To provide advice and recommendations concerning support for research in oceanography.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: To proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-30979 Filed 10-20-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

ARKANSAS POWER & LIGHT CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-51 issued to Arkansas Power & Light Company (the licensee) for operation of the Arkansas Nuclear One—Unit No. 1 (the facility) located in Pope County, Arkansas.

By application dated August 17, 1976, the licensee has requested NRC approval of an "integrated reactor vessel surveillance program". The program would involve irradiation of the Arkansas Nuclear One—Unit No. 1 reactor vessel surveillance specimens in the Davis-Besse—Unit No. 1 reactor (Docket No. 50-346). The request involves an indefinite exemption to Appendix H to 10 CFR Part 50 and associated Technical Specification changes. Consequently, the amendment would revise the provisions in the Technical Specifications relating to the reactor vessel surveillance program to permit the program to be conducted in the Davis-Bess—Unit No. 1 reactor.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 22, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, and to Horace Jewell, Esquire of House, Holms & Jewell, 1550 Tower Building, Little Rock, Arkansas 72201, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated August 17, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801.

Dated at Bethesda, Maryland, this 13th day of October, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-30536 Filed 10-20-76;8:45 am]

[Docket No. 50-324]

CAROLINA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-62, issued to Carolina Power & Light Company (the licensee) for operation of the Brunswick Steam Electric Plant, Unit No. 2 (the facility), located in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

This amendment identifies and incorporates into the operating license the currently approved industrial security plan for the Brunswick Steam Electric Plant.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

Pursuant to 10 CFR § 2.790(d), the licensee's request for amendment dated March 4, 1976, with supplemental letter dated July 19, 1976, and the security plan are being withheld from public disclosure because they are deemed to be commercial or financial information within the meaning of 10 CFR § 9.5(a)(4). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment No. 21 to License No. DPR-62, and (2) the Commission's related letter to the licensee dated September 30, 1976. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of September 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-30538 Filed 10-20-76;8:45 am]

[Docket No. 50-286; OL No. DPR-64]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND POWER AUTHORITY OF THE STATE OF NEW YORK (INDIAN POINT STATION, UNIT NO. 3)

Determination of Preferred Alternative Closed-Cycle Cooling System); Hearing Respecting Proposed Amendment to Operating License

Pursuant to the Atomic Energy Act of 1954, as amended, the National Environmental Policy Act of 1969 (NEPA), and the Rules and Regulations of the Nuclear Regulatory Commission, particularly 10 CFR Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, Notice is hereby given that a hearing will be held concerning the Indian Point No. 3 nuclear power facility licensed to be operated by Consolidated Edison Company of New York, Inc. and the Power Authority of the State of New York (Licensees). The hearing will convene to consider a proposed amendment requested by the Licensees that the Commission approve the Licensees' determination that a closed cycle natural draft, wet cooling tower system is the preferred alternative cooling system for installation at the Indian Point Unit No. 3 facility.

The amendment requested by the Licensees was filed at the time of the submittal by Licensees of the report entitled "Economic and Environmental Impacts of Alternative Closed-Cycle Cooling Systems for Indian Point Unit No. 3, January 30, 1976", which report was submitted in compliance with Paragraph 2.E(1) of Facility Operating License No. DPR-64.

The hearing respecting this proposed amendment will be held at a time and place to be designated by later Order by the Atomic Safety and Licensing Board (Board) named herein. The Board designated by the Acting Chairman of the Atomic Safety and Licensing Board Panel will consist of R. Beecher Briggs, Dr. Franklin C. Daiber, and Samuel W. Jensch, Esq., Chairman.

In the Notice of Availability of Licensees' Report is the statement of proposed issuance of amendment to the facility operating license and opportunity for hearing for Indian Point Nuclear Generating Unit 3, which was published in the FEDERAL RRGISTER on March 29, 1976 (41 FR 12,933). That Notice also provided opportunity for public participation in accordance with the Rules of Practice of the Commission and thereafter petitions to intervene were filed by Hudson River Fishermen's Association (HRFA) and Save Our Stripers, Inc. (SOS) and the New York State Atomic Energy Council (Council). These petitions were granted and HRFA and SOS and the Council are parties to the proceeding. The Council will participate in accordance with 10 CFR § 2.715(c) and HRFA and SOS is a party pursuant to 10 CFR § 2.714.

A prehearing conference or conferences will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

For further details pertinent to the matters under consideration, see the licensees' application for Amendment to Facility Operating License No. DPR-64, the notice of availability of which was published in the FEDERAL REGISTER on March 29, 1976 (41 FR 12,933).

After the above identified report on Economic and Environmental Impacts has been analyzed by the Commission's Director of Nuclear Reactor Regulation or his designee, a draft environmental statement on closed-cycle cooling systems will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft environmental statement, with a request for comments from interested persons on the draft environmental statement. The summary notice will also contain a statement to the effect that comments from Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the Federal Register.

The Commission stated that it will consider the issuance of an amendment to the facility operating license to the Licensees for operation of Indian Point Unit No. 3 in accordance with the provisions of the license, as amended, and the technical specifications appended thereto, upon a finding by the Commission that the request for license amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), The National Environmental Policy Act of 1969, and the Commission's regulations in 10 CFR Chapter I and that the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

For additional details, see (1) the licensees' request for amendment to the facility operating license, dated January 27, 1976, and (2) the licensees' report, "Economic and Environmental Impacts of Alternative Closed-Cycle Cooling Systems for Indian Point Unit No. 3, January 30, 1976," which are available for public inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and in the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York. Both items are also available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207, and the Tri-State Regional Planning Commission, 1 World Trade Center, New York, New York 10048.

As they become available, the following documents may be inspected at the above locations: (1) draft environmental statement and (2) the final environmental statement.

Copies of the draft environmental statement and the facility operating license amendment, when available, may be obtained by request to the Director, Division of Site Safety and Environmental Analysis, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Office of Nuclear Reactor Regulation's final environmental statement, when available, may be obtained from the National Technical Information Service, Springfield, Virginia 22161.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's Rules of Practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be determined by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 2055, on or before November 22, 1976. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's Rules of Practice, must be filed by the parties to this proceeding (other than the Regulatory Staff) on or before November 10, 1976. The parties are encouraged to confer and to stipulate if possible respecting the contentions and interest asserted.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that this Notice of Hearing be published in the Federal Register, also be given general public distribution and that further Orders will be issued for prehearing conference or conferences and evidentiary hearing and likewise published in the Federal Register.

Issued: October 12, 1976. Bethesda, Maryland.

Atomic Safety and Licensing Board,
Established to Rule on Petitions to Intervene

Samuel W. Jensch, *Chairman.*

[FR Doc.76-30537 Filed 10-20-76;8:45 am]

[DOCKET NO. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR-59, issued to Power Authority of the State of New York and Niagara Mohawk Power Corporation (the licensees), which revised Technical Specifications for operation of the James A. Fitzpatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment provides for an increase in the High Drywell Pressure setpoint.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment submitted by letter dated August 10, 1976, (2) Amendment No. 19 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oswego City Library, 120 East Second Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of October 1976.

For the Nuclear Regulatory Commission.

Robert W. Reid,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 76-30539 Filed 10-20-76; 8:45 am]

NUCLEAR REGULATORY COMMISSION

ABNORMAL OCCURRENCES

Fifth Report Submitted to Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, the Nuclear Regulatory Commission has published and issued the Fifth Periodic Report to Congress on Abnormal Occurrences (NUREG 0090-4). The release date is October 15, 1976.

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on interim criteria, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

The fifth report to the Congress is for the second quarter of 1976 and indicates that during this period:

(a) There was one abnormal occurrence at the 58 licensed operating nuclear power plants.

(b) There were no abnormal occurrences at fuel cycle plants (other than nuclear power plants).

(c) There were two abnormal occurrences involving other licensed activities. One involved radiation treatment doses at a hospital in excess of the doses prescribed by physicians. The second occurrence involved two incidents of radiographer occupational whole body exposures. The incidents involved temporary reductions in margins of safety normally provided.

The fifth report to the Congress also contains additional information on abnormal occurrences reported in previous reports.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. or at any of the 130 Local Public Document Rooms throughout the country. The report, designated NUREG 0090-4, may be purchased from the National Technical Information Service, Springfield, Virginia 22161, at $3.50 a copy on or about October 29, 1976.

Dated at Washington, D.C., this 18th day of October 1976.

Samuel J. Chilk,
Secretary of the Commission.

[FR Doc.76-30924 Filed 10-20-76;8:45 am]

DISCUSSION OF TECHNICAL ISSUES

Meeting

Notice is hereby given that members of the Nuclear Regulatory Commission will meet with representatives of the Atomic Industries Forum (AIF) on October 28, 1976.

This meeting, which is open to members of the public, is being held at the request of the AIF to discuss technical issues relating to the licensing and regulation of nuclear power plants, including Commission policies related to the application of new criteria to existing reactors. The meeting will begin at 2:00 p.m. in Room 1115 in the Nuclear Regulatory Commission's Offices at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 18th day of October 1976.

Samuel J. Chilk,
Secretary of the Commission.

[FR Doc.76-20923 Filed 10-18-76;2:43 pm]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS (ECCS)

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Subcommittee on ECCS will hold a meeting on November 6, 1976 in Room 1046, 1717 H St., N.W., Washington, DC 20555. The purpose of this meeting will be to review EXXON Nuclear Company, Inc., analytical models formulated to meet current ECCS criteria for fuel fabricated by EXXON for pressurized water reactors with ice condensors and for nonjet-pump boiling water reactors, and to review the application of these models to the Donald C. Cook, Unit No. 1 and the Oyster Creek, Unit No. 1 Nuclear Power Plants, respectively.

The agenda for the subject meeting shall be as follows:

SATURDAY, NOVEMBER 6, 1976, 8:30 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee with any of its consultants who may be present will meet in open session for discussion with the NRC Staff and representatives of the EXXON Nuclear Company, Inc. of evaluation models formulated to meet ECCS criteria, and with representatives of the Indiana and Michigan Power Company and the Jersey Central Power and Light Company regarding application of the evaluation models to the Donald C. Cook, Unit No. 1 and the Oyster Creek, Unit No. 1 Nuclear Power Plants, respectively.

It may be necessary for the Subcommittee to hold one or more closed sessions with the NRC Staff and participants for the purpose of discussing proprietary information.

Practical considerations may dictate alterations in the above agenda. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that it may be necessary to conduct closed sessions to protect proprietary information (5 U.S.C. 552(b)(4)).

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than October 30, 1976 to Mr. T. G. McCreless, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C., 20555; the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, MI 49085 (regarding the Donald C. Cook Plant); and at the Ocean County Library, 15 Hooper Avenue, Toms River, NJ 08753 (regarding the Oyster Creek Plant).

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on November 5, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless of the ACRS Office prior to the beginning of the meeting.

(g) A copy of the transcript of the meeting will be available for inspection on or after November 15, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555; at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, MI 49085; and at the Ocean County Library, 15 Hooper Avenue, Toms River, NJ 08753.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717

H St., N.W., Washington, DC 20555 after February 7, 1977. Copies may be obtained upon payment of appropriate charges.

Dated: October 19, 1976.

John C. Hoyle,
Advisory Committee
Management Officer.

[FR Doc.76-31189 Filed 10-20-76;9:35 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON TRANSPORTATION OF RADIOACTIVE MATERIALS

Meeting Rescheduled

The October 19, 1976 meeting of the ACRS Working Group on Transportation of Radioactive Materials, announced in Federal Register, Vol. 41, page 43783, October 4, 1976, has been rescheduled to be held on November 5, 1976 at the same location, the Seven Continents Restaurant, Rotunda Building, O'Hare International Airport, Chicago, IL to continue its review of proposed qualification test criteria for shipping containers to ensure that the packages used for shipping plutonium and other comparably hazardous material will survive airplane crashes.

The agenda for the subject meeting shall be as follows:

Friday, November 5, 1976
8:30 a.m.

The Working Group will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of reports regarding matters which should be considered during the open session in order to formulate a Working Group report and recommendations to the full Committee.

9:30 a.m. until the conclusion of business

The Working Group will meet in open session to hear presentations and hold discussions with representatives of the NRC Staff.

At the conclusion of the open session, the Working Group may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During this session, Working Group members and consultants will discuss their opinions and recommendations on these matters.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Working Group's deliberative process (5 U.S.C. 552(b)(5)). Separation of factual material from individuals' advice, opinions and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the proposed qualification criteria may do so by providing 15 readily reproducible copies to the Working Group at the beginning of the meeting. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than October 29, 1976 to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman of the Working Group.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on November 4, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. G. R. Quittschreiber) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 12, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 after February 7, 1977. Copies may be obtained upon payment of appropriate charges.

Dated: October 19, 1976.

John C. Hoyle,
Advisory Committee
Management Officer.

[FR Doc.76-31188 Filed 10-20-76;9:35 am]

[Docket No. 50-358]

CINCINNATI GAS AND ELECTRIC CO., COLUMBUS AND SOUTHERN OHIO ELECTRIC CO., AND DAYTON POWER AND LIGHT CO.

Availability of NRC Draft Environmental Statement for William H. Zimmer Nuclear Power Station

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement, prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed operation of William H. Zimmer Nuclear Power Station located in Clermont County, Ohio, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and in the Clermont County Library, Third and Broadway Streets, Batavia, Ohio. The Draft Environmental Statement is also being made available at the Office of the Governor, State Clearinghouse, State Office Tower, 30 East Broad Street, Columbus, Ohio, and the Ohio-Kentucky-Indiana Regional Council of Governments, 426 East Fourth Street, Cincinnati, Ohio. Copies of the Draft Environmental Statement may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

The applicant's Environmental Report, as supplemented, submitted by Cincinnati Gas and Electric Company, et al., is also available for public inspection at the above-designated locations. Notice of availability of the applicant's Environmental Report was published in the Federal Register on September 24, 1975 (40 FR 43959).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the applicant's Environmental Report, as supplemented, and on the Draft Environmental Statement for the Commission's consideration. Federal and state agencies are being provided with copies of the applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by December 6, 1976. Comments by Federal, state and local officials or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Clermont County Library, Batavia, Ohio. Upon consideration of these comments, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the Federal Register.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the

U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

Dated at Rockville, Md., this 15th day of October 1976.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.76-31083 Filed 10-20-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-43]

RESPONSES TO SAFETY RECOMMENDATIONS

Availability and Receipt of Special Study

Aviation Special Study.—A special study released October 16 by the National Transportation Safety Board urges Government and industry action to insure that airline procedures for instrument approaches for landing require continuous monitoring of cockpit instruments until actual touchdown. The study, entitled "Flightcrew Coordination Procedures in Air Carrier Instrument Landing System Approach Accidents," cites 17 air carrier approach and landing accidents and incidents during the period 1970-1975. The study discusses air carrier flightcrew coordination procedures, the variations between the procedures of different carriers, and their involvement in instrument landing system approach accidents. (Report No. NTSB-AAS-76-5.)

As a result of this study, the Safety Board on September 19 issued seven safety recommendations, Nos. A-76-122 through A-76-128, to the Federal Aviation Administration. Included in these recommendations are a request to expedite evaluation and developmental programs for advanced landing systems and a call for continuous instrument monitoring. (See 41 FR 43255, September 30, 1976.)

Letters in Response to Safety Board Recommendations—During the past week, responses were received from the following recommendation addressees:

Federal Aviation Administration: Letter of September 28 responds to recommendations A-76-87 and A-76-88 concerning personal injuries caused by contact with rotating propellers and helicopter rotors. (See 41 FR 28043, July 8, 1976.) FAA comments that, in revising Advisory Circular 91-42 within the next 60 days, it will ask manufacturers of propeller and rotor blades to install paint schemes designed to increase conspicuity and will recommend that operators maintain those schemes. FAA will also recommend that customized paint schemes be evaluated by qualified persons to assure that they do not affect pilot visibility, produce vertigo, or create an unbalanced condition. Further, with reference to A-76-87, FAA plans to evaluate the U.S. Army Aero Medical Research Laboratory Report No. 72-15 and the United Kingdom Report AGARD-AR-56 and will establish a research and development evaluation project within the next 60 days.

Re A-76-88, FAA states, "The advisory circular will reemphasize to all pilots that complete shutdown of fixed-wing aircraft and helicopter engines before boarding or deplaning passengers is the surest method of preventing propeller and rotor accidents. It will also recommend the use of warning signs inside aircraft to remind deplaning persons of the danger from moving propellers and rotors."

Federal Highway Administration: Letter of October 5 concerns recommendations H-76-11 and H-76-15, two of five recommendations made by the Safety Board following investigation of the collapse of the Yadkin River Bridge near Siloam, North Carolina, February 23, 1975, after an automobile impacted a vital structural member of the bridge truss. (See 41 FR 20747, May 20, 1976.)

Re H-76-11, FHWA states that the development of bridge rail design criteria and a prototype bridge rail for new construction for a service level below that of high-speed rural highways and freeways is now underway in National Cooperative Highway Research Project 22-2(2), "Lower Service Level Highway Bridge Railings—Performance and Design criteria," completion estimated by April 1978. Other study projects include FHWA's Office of Research (Identification No. 21G2-012) computer simulations to be performed in connection with a retrofit bridge railing system for through truss-type bridges now being designed by the State of North Carolina. Also, a study to evaluate effectiveness of measures for reducing accidents and accident severity at highway narrow bridge sites will be initiated by FHWA's Office of Research within 90 days, completion expected by July 1978. FHWA's research program for FY 1978, not yet funded, includes a new Federal Cooperative Project, "Roadside Safety Hardware for Nonfreeway Facilities," to provide research leading to "Guidelines for the Structural Retrofit of Bridge Railings of Existing Structures to Protect Vital Bridge Structural Members," as indicated in recommendation H-76-11.

FHWA anticipates a followup report in answer to recommendation H-76-11 within the next 180 days, and within 90 days in answer to H-76-15 which asked FHWA cooperation with the States in performing timber roadway surface skid tests. FHWA states that practically no data is available on the general subject of timber wearing surfaces—either on the numbre of accidents on timber bridges or on the number of timber bridges in the United States. FHWA states that an effort to obtain quantitative data on which to base a decision is the first step necessary, and in order to obtain actual test results, FHWA, through its Region 15, will investigate the feasibility of performing a limited series of tests on timber bridge decks or other wearing surfaces. (See 41 FR 44235, October 7, 1976, for FHWA's response dated September 24 to recommendations H-76-12 through H-76-14, also issued as a result of this accident.)

Federal Highway Administration: Letter of October 8 responds to recommendation H-76-22 which resulted from investigation of the grade-crossing accident last November 19 in Elwood, Illinois, involving an Amtrak turboliner passenger train and a dump truck. (See 41 FR 26078, June 24, 1976.) The recommendation urged FHWA to assist all States which have high-speed train corridors to initiate without delay a comprehensive field review of the corridors and to establish and implement a schedule of projects to insure that each grade crossing receives appropriate safety treatment.

In response, FHWA provides an extract of its Directive FHPM 6-8-2-1 of July 3, 1974, which implements section 203(a) of the 1973 Highway Safety Act requiring State surveys of highway-railroad crossings. FHWA notes that the directive requires that a priority schedule of crossing improvements be based on (1) a ranking of locations according to a hazard index formula, (2) an on-site inspection of each crossing, and (3) the accident history of the crossing. FHWA states that while these factors provide a comprehensive review of crossings when developing priority schedules, they do not directly take into acount the number of persons exposed to grade-crossing hazards. A revision to FHPM 6-8-2-1, expected next January 1, will accommodate several program changes resulting from the Federal-Aid Highway Act of 1976, and will provide for consideration of the number of people exposed to hazards of rail-highway crossings. The FHWA directive will provide guidance to the effect that train corridors with high passenger load and crossings traveled frequently by school and transit buses merit special consideration when setting improvement priorities. FHWA notes that this approach has been discussed in a general meeting on this subject with the Federal Railroad Administration, the Assoication of American Railroads, Amtrak, and the Safety Board.

Federal Highway Administration: Letter of October 7 concerns recommendations H-76-23 and H-76-24, issued following investigation of the Metropolitan Coach Company charter bus accident last October 11 on Interstate 495 in Bethesda, Maryland. (See 41 FR 30215, July 22, 1976.)

In answer to recommendation H-76-23 concerning the State of Maryland's compliance with Highway Safety Standard 9, FHWA states that an in-depth review of Maryland's accident data collection, analysis, and application system was conducted in accordance with FHWA Notice N 7560.1 (copy attached to letter) and a report issued in February 1976. FHWA states, "Maryland's system is similar to other states and, as with virtually all other states, has certain weaknesses in actual operation. Most notable among these weaknesses is the difficulty of establishing a ranking of high accident locations by rate. This difficulty has hindered the development of a priority listing of safety improvements on a cost-effectiveness basis. While this type priority listing is a primary goal of Highway Safety Standard 9 the methodological, administrative and resource availability problems of actual application are recognized."

Results of this review were discussed by FHWA staff members with the Governor's Representative for Highway Safety and the State Highway Administration in May 1976. According to FHWA, Maryland is "implementing recommendations made and is found to be making progress implementing Highway Safety Program Standard 9 and is in substantial compliance."

Re H-76-24, which asked FHWA to establish minimum skid resistance values both for newly constructed and for existing pavement surfaces, FHWA provides as an illustration of its ongoing effort in this area a copy of its study, "Texture and Skid Resistance," stating, "Establishing skid resistance values as indicated in this recommendation is and has been an integral part ● the FHWA's mission." FHWA notes that current guidance concerning skid-accident reduction is contained in Highway Safety Program Standard 12 which requires each State to have: (1) a program for evaluating current pavement design, construction, and maintenance practices to insure that skid-resistance properties are suitable for traffic needs; and (2) a systematic procedure for identifying and correcting skid-prone locations. The guidance contained in this Standard permits States to deal with individual needs and conditions and is "the appropriate means at this time of securing skid resistant surfaces within the present state of the art," according to FHWA.

Federal Railroad Administration: Letter of September 21 concerns recommendation R-76-1, one of five recommendations issued to FRA after investigation of the rear-end collision of two Texas & Pacific Railway Company freight trains at Meeker, Louisiana, May 30, 1975. (See 41 FR 5353, February 5, 1976.) FRA states that it has analyzed comments received in response to the Notice of Proposed Rule Making for Radio Standards and Procedures, Part 220, FRA Docket No. RSOR-5, and is in the process of finalizing the regulations. Under date of July 26, FRA forwarded to the Board its comments regarding R-76-2 through R-76-5 which also related to this accident. (See 41 FR 34126, August 2, 1976.)

Utilities Board of Phenix City, Alabama: Letter of October 2 from the Mayor of Phenix City provides a copy of the letter of September 29 from the City's Utilities Board, addressee of recommendations P-76-67 through P-76-72. The recommendations resulted from investigation of the natural gas leak and subsequent explosion and fire in Phenix City last March 27. (See 41 FR 44235, October 7, 1976.) In answer to these six recommendations, the Utilities Board is taking the following actions: (1) inspecting the cast iron pipe system when a leak is found and, where the pipe is unsafe, scheduling replacement; (2) testing after leaks are found and repaired to insure that the repairs were proper; (3) insuring that a cast iron caulked bell and spigot joint, when exposed, has a leak clamp installed as required by 49 CFR 192.753(b); (4) employing two school-trained personnel in use of leak detection equipment to pinpoint and locate leaks; (5) providing three leak detection (ionization) kits which are easy to calibrate and use; and (6) correcting all deficiencies which have been documented by the Alabama Public Service Commission. The Utilities Board adds that emphasis has been placed "in all areas of responsibility for maintenance of the gas system."

Safety Board Reply to Recommendation Response.—Board letter of October 13 is in reply to letter of September 24 (41 FR 44236, October 7, 1976) from Bay Area Rapid Transit District (BART) of Oakland, California, concerning recommendations R-76-42 through R-76-44. The Board indicates approval of procedures developed by BART in implementing the recommendations but, before closing out the recommendations, seeks a more complete description of the procedures used when a train is moved with the automatic train control malfunctioning. The Board questions BART's reference to "manual movement of trains," asking whether this includes absolute or manual block conditions, and seeks to know what precautions are exercised by the Central Train Controller.

The special study is available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations, and Safety Board replies thereto, may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the special study may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

OCTOBER 18, 1976.

[FR Doc.76-30927 Filed 10-20-76;8:45 am]

OFFICE OF THE FEDERAL REGISTER

HOW TO USE THE FEDERAL REGISTER

Educational Workshops Implementing GSA Consumer Representation Plan

The Office of the FEDERAL REGISTER (OFR) is pleased to announce the continuation of its educational workshops on "The FEDERAL REGISTER—What It Is and How To Use It." These workshops are presented to help the public better use and understand the FEDERAL REGISTER and to enable readers to locate documents of special interest quickly and easily. The workshops are offered in connection with General Services Administration's Consumer Representation Plan (41 FR 42862, Sept. 28, 1976.)

Workshop Dates: Wednesday of each week, 9:00 a.m. (Reservations required)
Location: FEDERAL REGISTER Conference Room 9409 (9th Floor) 1100 L Street, N.W., Washington, D.C.
Reservations: Janet Sorey, 202-523-5282.

AGENDA

Each workshop will last for approximately three hours and will cover the following areas:

1. A brief history of the FEDERAL REGISTER.
2. The difference between legislation and regulations.
3. The relationship of the FEDERAL REGISTER and the Code of Federal Regulations.
4. Important elements of a typical FEDERAL REGISTER document.
5. An introduction to the finding aids of the OFR and a practical exercise using those finding aids.

Persons attending a workshop will be invited to provide information, comments and suggestions on FEDERAL REGISTER publications in order to help this Office improve its services.

The OFR does not interpret specific agency regulations and the workshops will not provide a forum for the discussion of substantive questions. Rather, the workshops are designed as an introduction for the person who discovers that he or she must use FEDERAL REGISTER publications to keep track and to gain an understanding of Federal regulations.

REGIONAL WORKSHOPS

The GSA Consumer Representation Plan also provides for the presentation of these workshops in the various Federal Regions. The OFR will announce in the FEDERAL REGISTER the regional workshops in key cities as they are scheduled. In addition, the Office will consider presenting these workshops for specific groups elsewhere at no cost except for travel expenses of the person(s) presenting the workshops. For further information, contact Robert E. Lewis, 202-523-5240.

EDUCATIONAL KITS

A packet of materials has been developed which contains a narrative version of the main elements of the workshops. For those persons unable to attend a workshop, the kit provides guidelines for using the FEDERAL REGISTER. We regret that because of heavy demand and limited supplies we can furnish only one kit per request. However, the material in the kit may be freely copied. To obtain a kit, please enclose a self-addressed mailing label with your request and mail to:

Educational Kit,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408

Dated: October 18, 1976.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.76-30976 Filed 10-20-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

POLICIES FOR ACQUIRING COMMERCIAL OR INDUSTRIAL PRODUCTS AND SERVICES FOR GOVERNMENT USE

Cost Comparisons Under OMB Circular A-76

On August 23, 1976 there was published in the FEDERAL REGISTER for comment a proposed Transmittal Memorandum to OMB Circular A-76 which would provide standard cost factors to be used by Federal agencies in determining certain elements of the cost of Government commercial and industrial activities. Comments were requested by September 20, 1976 and more than 80 responses were received.

With few exceptions, the comments strongly favored the cost factors proposed and urged immediate issuance of the proposed Transmittal Memorandum. Some comments, however, while favoring the principle of full costs, were critical of the selection of a retirement cost factor that was based on economic assumptions most favorable to a minimum figure. These comments expressed the view that the public interest would best be served if a higher figure were used. While it is possible that this criticism has some merit, it is our judgment that it is best to retain the conservative approach at this time.

Several comments recommended against issuance of the Transmittal Memorandum. Some of these were opposed primarily on the basis of timing, urging further delay pending completion of current studies or the holding of congressional hearings. Others were strongly opposed to the issuance as a matter of principle or because they questioned the accuracy or sufficiency of the contents. Substantive criticisms received may be categorized as follows:

The issuance would discriminate against Federal civil servants in that it would tend to increase Government contracting for goods and services and result in reductions in the number of Federal employees.

The 24.7 percent factor for retirement cost is not valid because:

Static normal cost should be used instead of dynamic normal cost;

The economic assumptions were based on empirical analyses over different time periods; and

The Civil Service Commission (CSC) actuarial model is not accurate.

There are costs to the Government for the Social Security System that should be added to the cost of contracting out.

Issuance of the standard cost factors should be delayed until the completion of studies by the CSC and General Accounting Office (GAO) on funding the retirement system and until there is opportunity for congressional hearings.

While the opposition of some respondents to the general principle of Government reliance on the private sector is recognized, that basic policy is not at issue. The purpose of the Transmittal Memorandum is to ensure that cost comparisons required by the policy circular to justify in-house operation include the full costs to the Government of employee retirement and insurance programs. Accurate cost data are essential if Government decisions based on comparative cost analyses are to be made in the public interest. The only effect on ongoing activities of the application of the new retirement and insurance cost factors will be on those Government decisions that must be reversed because they were initially made on the basis of inaccurate cost data.

It has been clearly demonstrated, by past history and reports from the Board of Actuaries for the Civil Service Retirement System, that the static normal cost, which is the basis for current agency and employee contributions to the system, does not reflect the full cost of the program. This view was recently expressed in letters of the Comptroller General to the chairmen of the civil service committees of the Senate and House of Representatives. Since the static normal approach does not allow for future wage and benefit increases, each general salary increase or other benefit improvement generates additional unfunded liability. Congress recognized this additional cost in 1969 with legislation which provided for direct payments into the fund (over a thirty year period) to pay off the liability. A series of such payments has been initiated each year since 1969 to prevent increases in unfunded liability due to use of the static normal cost projection for funding.

The Board of Actuaries, which is responsible for analyzing and reviewing the retirement system, has concluded that the full cost can only be determined by using a dynamic approach which projects costs on the basis of assumptions for changes in the economic factors which control benefits and costs. Use of the dynamic approach for determination of normal cost produces a much more accurate figure for the total cost than the static method, which has proven inadequate.

In considering various economic assumptions for future salary increases, interest rates, and inflation, past history was reviewed for relatively stable periods that provided a sound basis for projecting future trends. Because inflation has offsetting impact on salary increases, benefits, and interest rates, different inflation assumptions had no significant effect on the outcome. For that reason, it was decided to exclude inflation assumptions and perform the calculations in constant dollars. Economic assumptions of real interest rates and salary increases from higher worker productivity were based on empirical analyses of these data since World War II, excluding certain abnormal periods that would have made retirement costs much higher. In every case in which there was a reasonable range of choice in making the economic assumptions, the assumption that would produce the lowest factor was used. Consequently, the 24.7 percent is considered to be a very conservative estimate of the real cost to the Government for civil service retirement.

The validity of the Civil Service Commission's actuarial model has been questioned due to introduction of the Dual Payline Construct in 1973. We understand from the Civil Service Commission actuary that any effect which the Dual Payline Construct may have on the actuarial model has not been analyzed and quantified and cannot be determined at this time. The existing model, which is the basis for all analyses, including the static normal cost projection, represents the best information available now or in the foreseeable future and is currently being used as the basis for direct payments by the Government to the retirement fund.

It has been alleged that there are payments by the Government to the Social Security System that should be added to the cost of obtaining goods and services from the private sector. This allegation is not considered valid since Social Security benefits paid to workers covered by the plan are financed from earmarked contributions of employers and employees.

Historically, the general fund of the Treasury has reimbursed the Social Security trust funds in two instances: Payments to noninsured persons aged 72 and over; and, noncontributory credits for military service. Clearly, the first of these is totally unrelated to the decision to contract out. The second could be related through the addition of new workers with prior military service to Social Security through the contracting decision. However, there is a similar provision for financing noncontributory credits for military service in the Civil Service Retirement System. That cost item was excluded from the cost to the Government of civil service retirement, and thus is not included in the 24.7 percent cost factor. It would add an additional .7 percent to the proposed 24.7 percent. Thus, except for this single item, which has been compensated for in computing civil service costs to the Government, there are no contributions to the Social Security trust fund from the general fund of the Treasury that would be influenced by Government contracting decisions.

With respect to urgings that issuance be withheld pending GAO and CSC studies on funding of the retirement system, we recognize the need for reexamining the means by which the Civil Service Retirement System is funded. No doubt there will be differences of view as to the most appropriate way to fund this employee benefit. The Transmittal Memorandum, however, does not deal with funding of the Civil Service Retirement System but merely identifies the cost to the Government which creates the funding need.

Action to further withhold the full cost factors from application by Federal agencies would deliberately distort the cost comparisons on which agency decisions are made, with the likely result of causing selections that place additional burdens on the Federal taxpayer. No evidence regarding the cost of insurance has been submitted that questions the accuracy of these cost factors. With respect to the retirement cost factor, the weight of the evidence would bring into question only whether the factor should be greater than 24.7 percent. We admit to having chosen the economic assumptions that were most favorable to a minimum retirement cost factor. That figure, of course, may be adjusted if subsequent circumstances should indicate that such would be appropriate. We are convinced, however, that further delay in requiring actual cost data to be used in Government decisionmaking cannot be justified in the public interest.

The Transmittal Memorandum, as proposed, was issued to heads of executive departments and agencies on October 18, 1976 and is published below for the information of all concerned.

HUGH E. WITT,
Administrator for Federal
Procurement Policy.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

[Circular No. A-76 Rev. Transmittal Memorandum No. 2]

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: POLICIES FOR ACQUIRING COMMERCIAL OR INDUSTRIAL PRODUCTS AND SERVICES FOR GOVERMENT USE

OCTOBER 18, 1976.

1. *Purpose.* This Transmittal Memorandum provides guidance and specific cost factors to be used when agencies prepare a cost analysis under OMB Circular No. R-76.

2. *Background.* OMB Circular A-76 expresses the Government's general policy of relying upon the private enterprise system to supply its needs for products and services, in preference to engaging in commercial or industrial activity. This policy reflects the fundamental concept that the Government should generally perform only those functions which are governmental in nature and should utilize the competitive incentives of the private enterprise system to provide the products and services which are necessary to support governmental functions. Those commercial or industrial activities which the Government performs directly for itself are not inherently governmental functions, but rather are exceptions to the fundamental concept, and their performance by Government personnel must be justified as being in the National interest.

3. *Supplemental guidance.* Circular A-76 sets forth specific circumstances under which it may be in the National interest for the Government to provide directly some products and services for its own use. One of these circumstances permits justification of Government commercial or industrial activity if a detailed comparative cost analysis demonstrates that Government performance would result in sufficient savings to justify involvement in such activity. However, the Circular does not require that a cost study be made in every case to support a decision in compliance with the policy preference for reliance on commercial sources. A cost analysis is not needed in circumstances where the Government's economic interests would be protected, such as the existence of a competitive commercial market, unless the agency has some unique economic advantage which would enable it to supply the needed product or service at less than commercial cost. In determining whether a cost study should be undertaken, consideration should be given to the delay and expense involved in a study sufficiently detailed and comprehensive to provide valid results.

Cost studies, when conducted, should be made in accordance with the guidelines in Section 6 of Circular A-76, and must cover all identifiable costs of both commercial and Government performance. Instructions for the determination of costs incurred by Government activities in providing products and services are set forth in paragraph 6c of the Circular. In computing the cost of civilian personnel services for a Government activity, the actual cost to the Government for employee benefits, such as retirement and insurance programs, must be included. Guidance in calculating these cost elements has been provided by the U.S. Civil Service Commission, which has determined current percentage factors for Government contributions to employee insurance programs and the full cost to the Government of the Civil Service Retirement System.

4. *Cost factors.* a. For the convenience of Federal agencies making cost studies, the following percentages of base pay will be used in computing the costs of civilian personnel services:

	Percent
Retirement	24.7
Health Insurance	3.5
Life Insurance	.5

b. Cost comparisons made under the provisions of Circular A-76 should be sufficiently complete and documented to permit ready audit by qualified financial personnel. Copies will be made available to interested persons, on a cost reimbursable basis, when requested under the provisions of the Freedom of Information Act.

5. *Effective date.* This Transmittal Memorandum is effective immediately.

6. *Inquiries.* Inquiries or requests for assistance should be directed to the Office of Federal Procurement Policy, telephone 395-3327.

JAMES T. LYNN,
Director.

[FR Doc.76-30925 Filed 10-20-76;8:45 am]

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

Closed Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of meetings of the Commission on Executive, Legislative, and Judicial Salaries to be held in Room 2008, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20503, on November 9, 10, and 16, 1976.

The Commission on Executive, Legislative, and Judicial Salaries was established by Pub. L. 90-206 (81 Stat. 642) approved December 16, 1967. The Commission shall conduct every fourth year a review of the rates of pay of:

1. Senators, Members of the House of Representatives and the Resident Commissioner from Puerto Rico;
2. offices and positions in the legislative branch referred to in subsections (a), (b), (c), and (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Pub. L. 88-426);
3. justices, judges, and other personnel in the judicial branch referred to in sections 402(d) and 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Pub. L. 88-426);
4. offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code;
5. the Governors of the Board of Governors of the United States Postal Service appointed under section 202 of Title 39.

Such review by the Commission shall be made for the purpose of determining and providing the appropriate pay levels and relationships between and among the respective offices and positions covered by such review, and the appropriate pay relationships between such offices and positions and the offices and positions subject to the provisions of chapter 51 and subchapter III of chapter 53 of Title 5, United States Code, relating to classification and General Schedule pay rates.

The Commission shall submit to the President a report of the results of each review conducted by the Commission of the offices and positions stated above together with its recommendations.

The meetings of November 9 and 10 will begin at 10:00 a.m. and 9:00 a.m. respectively and will be open to public observation and participation. The purpose of the hearing is to solicit the views of the public concerning the appropriate pay levels and relationships between and among executive, legislative, and judicial salaries.

Persons wishing to participate or attend this hearing should contact the Commission on Executive, Legislative, and Judicial Salaries; Suite 801, 1750 K Street, N.W., Washington, D.C. 20036, telephone number (202) 634-1650 prior to the hearing date. The Commission requests that participants desiring to give testimony submit the subjects to be covered in writing and a summary statement of the views to be covered including name, organization, telephone number, address, and the length of time required for testimony. Summaries should be submitted by Monday, November 3, 1976. In order for the Commission to plan its agenda, and allocate time to various witnesses, the summaries should not exceed two type-written pages, excluding any supplemental data such as charts, graphs, tables, etc., which support the summary. Persons who cannot testify at this hearing are invited to submit written statements to the Commission.

At the conclusion of the public hearing, the Commission will reconvene in a closed meeting for the purpose of discussing options and recommendations of the Commissioners and staff for possible use in the report to the President, and the closed meeting on November 16 will be for the purpose of preparing the final report. In order to facilitiate the independent development of consensus findings and recommendations, the members must be free to take tentative and subjective positions, to be frank and candid about their views, to experiment with various proposals, and to make assumptions and present conclusions arguendo. Tentative individual options, preliminary judgments and policy positions will be so integrated throughout the deliberations with factual matters that separation would not be feasible. These deliberations of the Commission are analogous to the development of policy within an agency exercising statutory functions. The exposure of this pre-decisional deliberative process would have a "chilling" effect upon the frank and candid exchange of views which is essential to the development of considered independent recommendations.

The Federal Advisory Committee Act (5 U.S.C.A. App. I, Public Law 92–463), does not require public participation in the development of the Commission's findings and recommendations. The Freedom of Information Act authorizes the exemption from disclosure of inter- or intra-agency memoranda or letters where the documents are not final determinations and such exemptions are necessary to prevent undue inhibition of pre-decisional processes (5 U.S.C. 552(b)(5)). The deliberative process by which the Commission on Executive, Legislative, and Judicial Salaries arrives at independent judgements to transmit to the President is a predecisional process which must remain uninhibited and thus undisclosed in order that the Commission may supply maximum assistance to the President. This process is therefore with the above exemption of the Freedom of Information Act extended to advisory committees through the Federal Advisory Committee Act.

Therefore, by authority of section 10 (d) of Pub. L. No. 92–463, the Federal Advisory Committee Act, the Director of the Office of Management and Budget has determined that the meetings of the Commission on Executive, Legislative, and Judicial Salaries dealing with the development of its findings and recommendations will concern matters within Section 552(b)(5) of Title 5, United States Code, and therefore shall not be open to the public.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76–30946 Filed 10–20–76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 10/13/76 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release. Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

New Forms

RAILROAD RETIREMENT BOARD

Protected Employee Inventory Record and Claims for Reimbursement Allowances, UI–91, UI–92, UL–93, UL–94, on occasion, Railroad employers, Caywood, D. P., 395–3443.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Mushroom Importers Questionnaire, single time, business firms, Laverne V. Collins, 395–5867.

DEPARTMENT OF AGRICULTURE

Economic Research Service, Boll Weevil Control Survey, annually, cotton producers, Hulett, D. T. 395–4730.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development:
- Evaluation of Housing Assistance Plans, Field Interview Guides, single time, local Government agencies, Housing, Veterans and Labor Division, Sunderhauf, M. B., 395–3532.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
- Crude Oil and Petroleum Products Pipeline Survey, 6–1325–T, single time, petroleum pipeline companies, Hulett, D. T., Strasser, A., 395–4730.

Revisions

NATIONAL SCIENCE FOUNDATION

International Travel Grant Report, NSF–250, on occasion, recipients of NSF International Travel Award, Strasser, A., 395–5867.

RAILROAD RETIREMENT BOARD

Application for Employee-Disability-Annuity under Railroad Retirement Act, AA–1D, on occasion, annuity applicants under RRA, Caywood, D. P., 395–3443.

Application for Employee Annuity Under the Railroad Retirement Act, AA–1, on occasion, annuity applicants under RRA, Caywood, D. P., 395–3443.

Application for spouses Annuity Under the RR Act, AA–3, on occasion, applicants for spouse's benefit under RRA, Caywood, D. P., 395–3343.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
- Weekly Weather and Crop Report, weekly, county extension agents, Hulett, D. T., 395–4730.
- Oregon Filbert Objective Yield Survey, annually, filbert growers and nurserymen, Hulett, D. T., 395–4730.

DEPARTMENT OF COMMERCE

Bureau of Census:
- (Part of 1980 Decennial Census of Population and Housing), Prelist Address Register, DH–210, single time, sample of households in prelist area of spring test census, Maria Gonzalez, 395–6132.
- Annual Housing Survey—National Sample, AHS 1, AHS 2, AHS 3, AHS 4, AHS 394, annually, households in 20 selected SMSAS, Sunderhauf, M. B., 395–6140.

DEPARTMENT OF LABOR

Employment and Training Administration:
- Trade Readjustment Allowance Activities and Employability Services, MA 5–63, monthly, State empl. sec. agencies for petitions under Trade Act, Strasser, A., Laverne V. Collins, 395–5867.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
- Columbium and Tantalum (production and consumption), 6–1098–A, annually, producers of columbium and tantalum, Cynthia Wiggins, 395–5631.

Extensions

DEPARTMENT OF HOUSING AND URBAN

Housing Production and Mortgage Credit:
- Development Cost Budget, HUD 52152, on occasion, local housing authorities, Housing, Veterans and Labor Division, 395–3532.
- Required Mortgagor Letter to the Internal Revenue Service, FHA–3115–A, on occasion, Individuals, Housing, Veterans and Labor Division, 395–3532.
- Administration (Office of Assistant Secretary), Development Program, HUD 51954, on occasion, public housing agencies, Housing, Veterans and Labor Division, 395–3532.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
- Marketable Phosphate Rock, 6–1250–M, monthly, producers of marketable phosphate rock, Cynthia Wiggins, 395–5631.

PHILLIP D. LARSEN,
Budget and Management officer.

[FR Doc.76–30938 Filed 10–20–76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 14, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

New Forms

UNITED STATES INTERNATIONAL TRADE COMMISSION

Purchasers' Questionnaire (Melamine Crystals), single time, purchasers of melamine crystals, Laverne V. Collins, 395–5867.

Importers' questionnaire (Melamine Crystals), single time, importers of melamine crystals, Laverne V. Collins, 395-5867.

Importers' Questionnaire—Footwear, single-time, importers, Laverne V. Collins, 395-5867.

Producers' Questionnaire—Footwear, single time, producers, Laverne V. Collins, 395-5867.

DEPARTMENT OF AGRICULTURE

Forest Service:
  National Listing of Consulting Foresters, annually, consulting foresters in United States, Warren Topelius, 395-5872.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management:
  Operating Subsidy Monthly Billing Report, HUD-9816, monthly, managers of section 236 housing projects, Housing, Veterans and Labor Division, 395-3532.

REVISIONS

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration:
  Packer Inquiry Under Packers and Stockyards Act (To Determine Jurisdiction of Persons in Slaughtering and Meat Processing), PS-132, on occasion, meat packing firms, Warren Topelius, 395-5872.

Statistical Reporting Service:
  Prices Paid by Farmers for Fertilizer, Liming and Pesticides Materials, semi-annually, retailers of fertilizer, liming and pesticide materials, Hulett, D. T., 395-4730.
  Wisconsin Assessors Census Follow-up, annually, farmers, Hulett, D. T., 395-4730.

DEPARTMENT OF COMMERCE

Economic Development Administration:
  Assurance of Job Opportunities for the Unemployed, ED-612, on occasion, employers, Lowry, R. L., 395-3772.

DEPARTMENT OF DEFENSE

Departmental and other, Application for Retired Pay Benifits, DD 108, on occasion, individuals, Warren Topelius, 395-5872.

EXTENSIONS

DEPARTMENT OF COMMERCE

Economic Development Administration:
  Contract Change Order, ED-114, on occasion, architects and contractors, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary:
  Proposal Application Forms 0001, 0002, annually, institutions of higher education, Warren Topelius, 395-5872.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
  Railroad Agents Report of Shipments of Minerals and Mineral Products, 6-1198-M, monthly, railway stations handling mineral products, Cynthia Wiggins, 395-5631.
  Bismuth (Receipts and Disposition) 6-1028-QA, quarterly, bismuth consumers, Cynthia Wiggins, 395-5631.
  Consumption of Copper Materials, 6-1115-AS, annually, foundries, chemical plants and miscellaneous users, Cynthia Wiggins, 395-5631.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-30939 Filed 10-20-76;8:45 am]

Policy Guidance

On October 6, 1976, the Director of the Office of Management and Budget issued to the Administrator of General Services policy guidance on ADP. The text of that policy letter is set forth below:

Many questions have been raised recently concerning the conditions under which GSA, pursuant to Pub. L. 89-306, may:

Question any agency's expression of its ADP requirements in terms of specific equipment, and

Insist that agencies consider alternative sources of supply for ADP equipment.

As a consequence the Office of Management and Budget, in accordance with its authority under Pub. L. 89-306, is issuing the following ADP policy guidance:

1. Pub. L. 89-306 grants the Administrator of General Services the discretion to delegate procurement authority whenever the Administrator finds it "necessary for the economy and efficiency of operations or when such action is essential to national defense or national security" or "for the orderly implementation of a program for the utilization of such equipment."[1]

2. Pub. L. 89-306 also provides that the Administrator of General Services shall not "impair or interfere with the determination by agencies of their individual ADP equipment requirements."[2] GSA cannot, therefore, challenge a determination by an agency of its need for data processing services or its requirements for ADP equipment. However, the specification by an agency of a particular make and model of equipment when other equipment or sources of supply could also satisfy the ADP needs or requirements of the agency could frustrate the purposes of Pub. L. 89-306 in several ways. Overly restrictive specification could reduce the economic benefits of competition, diminish the opportunity for savings achieved through sharing compatible excess ADP capacity of other agencies, limit the economic advantages of bulk purchases or lead to specifications by an agency of equipment requirements beyond those needed to effectively carry out their missions and programs.

3. To preclude the adverse effects of unduly restrictive specifications agencies shall, to the maximum practical extent, express their ADP requirements in terms of functional performance specifications rather than equipment specifications. There are, of course, instances where only a particular make or model of equipment or its functional equivalent can satisfy a unique agency need or requirement for ADP equipment, but the clear direction in ADP procurement under Pub. L. 89-306 is to maximize the opportunities for cost savings through competition, bulk purchases, consideration of alternative sources of supply, and avoiding the acquisition of capacity beyond that which is needed.

4. GSA in reviewing agency ADP procurement requests should ensure that the above mentioned opportunities for cost savings are not lost by unduly restrictive specification of ADP requirements by agencies.

5. GSA should strive for expeditious review of agency submission to avoid delays in the procurement process. Agencies should cooperate with GSA to expedite these reviews. An undue length of time for the normal ADP procurement process may be considered a disagreement by GSA with the request of the agency, and may be appealed to the Director of the Office of Management and Budget. Consistent with the policy expressed herein, any such appeal will be handled expeditiously, but the burden will be upon the agency to demonstrate the need to specify the particular make or model of equipment or its functional equivalent when such specification is at issue.

"Within the next 60 days, GSA, consistent with its responsibilities under Pub. L. 89-306 and Executive Order No. 11717, dated May 9, 1973, should modify its directives and instructions to the agencies (e.g., FPMR's, FPR's and FMC's as appropriate) to accommodate these policies. In addition, the Government's policy of reliance on the private sector as stated in OMB Circular No. A-76 would dictate that agencies should obtain their ADP requirements by contracting for services in preference to the acquisition of new equipment except where in-house performance is justified in accordance with that circular."

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76-30940 Filed 10-20-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Application No. 06/06-5180]

MESBIC FINANCIAL CORP. OF HOUSTON

Application for a License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by MESBIC Financial Corp. of Houston (Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1976).

The officers and directors are as follows:

Peter D. Sterling, President and General Manager, 932 Esperson Building, Houston, Texas 77002.
John S. Watson, Secretary, First City National Bank Building, Houston, Texas 77002.
Richard J. Bauer, Director, One Shell Plaza, Houston, Texas 77002.
Walter W. Durham, Director, The UCC Tower, Dallas, Texas 75222.
Robert B. Dyer, Director, Cooper Industries, Inc., Two Houston Center—Suite 2700, Houston, Texas 77002.
Grover Ellis, Jr., Director, First City National Bank Building, Houston, Texas 77002.

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[1] Section 2(b)(2), Pub. L. 89-306.

[2] Section 2(g), Pub. L. 89-306.

L. William Heiligbrodt, Director, Texas Commerce Bank, P.O. Box 2558, Houston, Texas 77001.

Harry M. Jacobson, Jr., Director, Brown and Root, Inc., P.O. Box 3, Houston, Texas 77001.

Tracy S. Park, Jr., Director, Tenneco, Inc., P.O. Box 2511, Houston, Texas 77001.

Robert A. Pierpont, Jr., Director, Exxon Company, U.S.A., P.O. Box 2180, Houston, Texas 77001.

Fred J. Rederker, Director, 932 Esperson Building, Houston, Texas 77002.

J. Gordon Sorrells, Director, First City National Bank Building, Houston, Texas 77002.

The Applicant, a Texas Corporation, will be located initially at 932 Esperson Building, Houston, Texas 77002.

It will begin operations with $770,100 of paid-in capital and paid-in surplus derived from the sale of 5,134 shares of common stock to 32 large corporations and banks located in Houston, none of which owns as much as ten percent of Applicant's stock except for the Shell Oil Co. and Exxon Co.

The Applicant will not concentrate its investments in any particular industry. As a small business investment company under section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Application include the general business reputation and character of the proposed owners and management and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and SBA Rules and Regulations.

Any person may, not later than on or before November 5, 1976 submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to Deputy Associate Administrator for Investment, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Houston, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: October 8, 1976.

Peter F. McNeish,
Deputy Associate Administrator for Investment.

[FR Doc.76-30876 Filed 10-20-76;8:45 am]

PROVIDENCE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Providence District Advisory Council will hold a public meeting at 12:00 noon, Wednesday, November 10, 1976, at the Governor Dyer's Buffet House, Providence, Rhode Island, to discuss such matters as may be presented by members, staff of the Small Business Administration, and others attending.

For further information write or call Charles J. Fogarty, U.S. Small Business Administration, 57 Eddy Street, Providence, Rhode Island 02903, (401) 528-4580.

Dated: October 12, 1976.

Henry v. Z. Hyder, Jr.
Deputy Advocate for Advisory Councils.

[FR Doc.76-30878 Filed 10-20-76;8:45 am]

RICHMOND DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Richmond District Advisory Council will hold a public meeting at 1:00 p.m., Friday, November 5, 1976, through noon on November 6, 1976, at the Sheraton Patriot Inn, 3032 Richmond Road, Williamsburg, Virginia, to discus such matters as may be presented by members, staff of the Small Business Administration or others present. For further information, write or call Raymond P. Kuttenkuler, P.O. Box 10126, Richmond, Virginia 23240, (804) 782-2741.

Dated: October 12, 1976.

Henry v. Z. Hyde, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-30879 Filed 10-20-76;8:45 am]

[License No. 05/07-0025]

WATERFIELD SBIC, INC.

Surrender of License

Notice is hereby given that Waterfield SBIC, Inc., 123 West Berry Street, Fort Wayne, Indiana 46802, incorporated under the laws of the State of Indiana on December 6, 1960, has surrendered its License No. 05/07-0025, issued by the Small Business Administration (SBA) on January 24, 1961.

Waterfield has complied with all conditions set forth by SBA for the surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the Regulations promulgated thereunder, the surrender of the license of Waterfield is hereby accepted and it is no longer licensed to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: October 12, 1976.

Peter F. McNeish,
Deputy Associate Administrator for Investment.

[FR Doc.76-30877 Filed 10-20-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 154]

ASSIGNMENT OF HEARINGS

Correction

In FR Doc. 76-28518 appearing on page 42995 in the issue for Wednesday, September 29, 1976, in the third column, the date reading "November 1, 1976" in the entry for *MC-117565 (Sub 93)* should have read "December 1, 1976".

[Volume No. 53]

OCTOBER 15, 1976.

PERMANENT AUTHORITY PETITIONS AND APPLICATIONS; FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES); RAILROAD ABANDONMENTS; ALTERNATE ROUTE DEVIATION LETTER-NOTICES; AND INTRASTATE APPLICATIONS CONCURRENTLY SEEKING AUTHORITY ON INTERSTATE OR FOREIGN COMMERCE

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before November 22, 1976. Such protest shall comply with Special Rule 247 (d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 110988 (Sub-No. 291) (Notice of Filing of Petition To Modify Restriction), filed September 27, 1976. Petitioner: SCHNEIDER TANK LINES, INC., 200 N. Cecil St., Neenah, Wis. 54956. Petitioner's representative: John R. Patterson, P.O. Box 2298, Green Bay, Wis. 54306. Petitioner holds a motor *common carrier* Certificate in No. MC 110988 (Sub-No. 291), issued December 26, 1973, authorizing transportation over irregular routes, of *corn products*, in bulk (except corn oil, in bulk), from Dayton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Cargill, Incorporated, located Dayton, Ohio. By the instant petition, petitioner seeks to modify the above restriction by adding CAR-MI, Inc. as an additional origin plantsite.

No. MC 117344 (Sub-No. 222) (Notice of Filing of Petition To Modify Restriction), filed October 6, 1976. Petitioner: THE MAXWELL CO., 10380 Evendale Drive, P.O. Box 15010, Cincinnati, Ohio 45215. Petitioner's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Petitioner holds a motor *common carrier* Certificate in No. MC 117344 (Sub-No. 222), issued December 13, 1973, authorizing transportation over irregular routes of *corn products*, in bulk (except corn oil, in bulk), from Dayton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Cargill, Incorporated, located at Dayton, Ohio. By the instant petition, petitioner seeks to modify the restriction above by adding CAR-MI, Incorporated, as an additional origin plantsite.

No. MC 118745 (Sub-No. 14) (Notice of Filing of Petition To Modify Territorial Description), filed October 6, 1976. Petitioner: JOHN PFROMMER, INC., P.O. Box 307, Douglassville, Pa. 19518. Petitioner's representative: Theodore Polydoroff, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036. Petitioner holds a motor *contract carrier* Permit in No. MC 118745 (Sub-No. 14), issued October 1, 1976, authorizing transportation, as pertinent, over irregular routes of *lumber, wooden fencing, and pallets*, from Lower Moreland Township (Montgomery County, Pa.), to points in Delaware, Maryland, New Jersey, New York, North Carolina, Virginia, and the District of Columbia, under a continuing contract, or contracts, with Warner Company of Philadelphia, Pa. By the instant petition, petitioner seeks to modify the territorial description above by deleting Lower Moreland Township (Montgomery County, Pa.), as the origin point and substituting the facilities of Warner Company, Philadelphia, Pa. in lieu thereof.

No. MC 128642 (Sub-No. 8) (Notice of Filing of Petition To Modify Restriction) filed September 27, 1976. Petitioner: SKYLINE TRANSPORT, INC., 1910 Russell St., Baltimore, Md. 21230. Petitioner's representative: H. Neil Garson, Court Square West Building, 1400 North Uhle Street, Suite 404, Arlington, Va. 22201. Petitioner holds a motor *common carrier* Certificate in No. MC 128642 (Sub-No. 8), issued December 10, 1973, authorizing transportation over irregular routes, of *corn products*, in bulk (except corn oil, in bulk), from Dayton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Cargill, Incorporated, located at Dayton, Ohio. By the instant petition, petitioner seeks to modify the above restriction by adding CAR-MI, Inc., as an additional origin plantsite.

No. MC 138104 (Sub-No. 9) (Notice of Filing of Petition To Add an Additional Origin Point), filed September 27, 1976. Petitioner: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, Tex. 76106. Petitioner's Representative: Bernard H. English, 6270 Firth Road, Ft. Worth, Tex. 76116. Petitioner holds a motor *common carrier* Certificate in No. MC 138104 (Sub-No. 9), issued October 23, 1975, authorizing transportation over irregular routes, of *trailers* and *trailer chassis* (other than those designed to be drawn by passenger automobiles), in initial movements, in truckaway service, from the plantsite of Aztec Products, Inc., located near Arlington, Tex., to points in the United States, including Alaska, but excluding Hawaii. By the instant petition, petitioner seeks to add the plantsite of Aztec Products, Inc., located at or near Mansfield, Tex., as an additional origin point to the above authority.

No. MC 140581 (Sub-No. 1) (Notice of Filing of Petition To Modify Commodity Description), filed September 23, 1976. Petitioner: TOMMY HAGWOOD, doing business as HAGWOOD ENTERPRISES, Rt. 1, Box 222-A, Trafford, Ala. 35172. Petitioner's Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Petitioner holds a motor *common carrier* Certificate in No. MC 140581 (Sub-No. 1), issued July 15, 1976, authorizing transportation over irregular routes, of *used automobiles*, in truckaway service, between Los Angeles, Calif., on the one hand, and, on the other, New York, N.Y., Baltimore, Md., and points in Alabama, Mississippi, Louisiana, Georgia, South Carolina, and Florida. By the instant petition, petitioner seeks to broaden the commodity description above to read: "automobiles and pickup trucks."

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission on or before November 22, 1976. Such protest shall comply with Special Rule 247(d) of the

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[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Commission's General Rules of Practice (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interests in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 26739 (Sub-No. 85) (Republication), filed May 21, 1975, published in the Federal Register issue of June 26, 1975, and republished this issue. Applicant: CROUCH FREIGHT SYSTEM, INC., P.O. Box 1059, St. Joseph, Mo. 64502. Applicant's representative: Roland Rice, 1111 E Street N.W., Suite 618, Washington, D.C. 20004. A supplemental Order of the Commission, Review Board Number 3, dated August 17, 1976, and served September 10, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular routes, transporting, *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Bridgeport and Hartford, Conn., from Bridgeport, over Connecticut Highway 8 to Waterbury, Conn., and thence over Interstate Highway 84 to Hartford, and return over the same route, (2) between Bridgeport, Conn., and junction Interstate Highway 95 and Connecticut Highway 216, over Interstate Highway 95; and (3) between New Haven and Hartford, Conn., over Interstate Highway 91, serving all intermediate points and points in Connecticut as off-route points in (1), (2), and (3) above, subject to the following conditions: (1) Coincidental with the issuance of the certificate herein authorized, Sheet No. 6 of applicant's Certificate No. MC 26739 (Sub-No. 71) will be modified to remove that portion of the general commodities irregular-route authority appearing there, which authorizes operations between Bridgeport, Conn., on the one hand, and, on the other, points in Connecticut; and (2) the authority granted herein and applicant's existing authority that it duplicates shall be construed as conferring only a single operating right, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to correct applicant's territorial description as pertinent, and to add the above noted conditions.

No. MC 59135 (Sub-No. 31) (Republication), filed September 2, 1975, published in the Federal Register issue of October 2, 1975, and republished this issue. Applicant: RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as, RED STAR EXPRESS LINES, 24–50 Wright Avenue, Auburn, N.Y. 13021. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Washington, D.C. 20036. An Initial Decision Administrative Law Judge Paul Cross, served August 10, 1976, became the effective order of the Commission by notice served September 23, 1976, and finds that the present and future public convenience and necessity require operation by applicant, as a *common carrier* by motor vehicle, in interstate or foreign commerce, over regular routes, of *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), Between Pittsburgh, Pa., and New York, N.Y., as defined in *New York, N.Y. Commercial Zone*, 1 M.C.C. 665, (1) From Pittsburgh over Interstate Highway 76 to Carlisle, Pa., thence over Interstate Highway 81 to junction Interstate Highway 78 and thence over Interstate Highway 78 to New York, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (2) From Pittsburgh over U.S. Highway 22 to Fredericksburg, Pa., and thence over Interstate Highway 78, to New York, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; that applicant is fit, willing, and able properly to perform such service, and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's broadening grant of authority.

No. MC 97009 (Sub-No. 23) (Republication), filed January 23, 1975, published in the Federal Register issue of February 20, 1975, and republished this issue. Applicant: HERZOG TRUCKING COMPANY, INC., a corporation, 200 Delaware St., Honesdale, Pa. 18431. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. An Order of the Commission, Review Board Number 2, dated August 26, 1976 and served September 20, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *Toilet preparations, cosmetics, and personal care products*; and (2) *materials and supplies* used in the manufacture, sale, and distribution of the above-named commodities (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between the facilities of House of Westmore at Newburgh and Rochester, N.Y., on the one hand, and, on the other, points in Pennsylvania on and west of the Susquehanna River, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Missouri, Ohio, Oklahoma, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's actual grant of authority.

No. MC 119908 (Sub-No. 31) (Republication), filed January 19, 1976, published in the Federal Register issue of February 26, 1976, and republished this issue. Applicant: WESTERN LINES, INC., P.O. Box 1145, 3523 McCarty Ave., Houston, Tex. 77029. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Building, Austin, Tex. 78701. An Order On Further Proceedings of the Commission, Review Board Number 1, dated September 20, 1976 and served October 1, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, irregular routes in the transportation of *Railroad cross-ties*, from points in Alabama, to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, and Texas; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's actual grant of authority.

Motor Carrier, Broker, Water Carrier and Freight Forwarder Operating Rights Applications

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 720 (Sub-No. 16), filed September 22, 1976. Applicant: BIRD TRUCKING COMPANY, INC., Box 227, Waupun, Wis. 53968. Applicant's representative: Michael J. Wyngaard, 329 West Wilson St., P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, foodstuffs, canned goods,* and *materials, equipment and supplies* used or useful in the manufacture, sale or distribution of frozen foods, foodstuffs and canned goods, between Darien, Wis., and the plantsites and warehouse facilities utilized by Mass Feeding Corporation located at Peoria, Chicago and Elk Grove Village, Ill., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wis. or Chicago, Ill.

No. MC 13134 (Sub-No. 43), filed August 19, 1976. Applicant: GRANT TRUCKING, INC., Ohio State Route No. 93 North, P.O. Box 256, Oak Hill, Ohio 45656. Applicant's representative: James M. Burtch, 100 E. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery and parts* thereof, from the plantsites of National Mine Service Co., located in Greenup and Boyd Counties, Ky., to points in Alabama, Arizona, Colorado, Idaho, Illinois, Maryland, Michigan, Minnesota, Montana, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 14786 (Sub-No. 17), filed September 23, 1976. Applicant: SMYTH VAN LINE, INC., 314-108th N.E., Bellevue, Wash. 98009. Applicant's representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportings *Empty household goods shipping containers*, set up or knocked down, between points in the United States, including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 28088 (Sub-No. 20), filed September 22, 1976. Applicant: NORTH & SOUTH LINES, INCORPORATED, 2710 S. Main St., Harrisonburg, Va. 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products* (except in bulk, in tank vehicles), from Evington, Va., to ports and airports located in Maryland, New Jersey, New York, Pennsylvania and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 43269 (Sub-No. 63), filed September 13, 1976. Applicant: WELLS CARGO, INC., 1775 East 4th Street, Reno, Nev. 89512. Applicant's representative: David N. Inwood, P.O. Box 1511, Reno, Nev. 89505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fermentation products, soil micro-nutrients, animal and poultry feed supplements, fertilizer compounds, wetting agents, odor and absorptive control products, agricultural machinery and implement wheels*, from the plantsite and warehouse facilities of Custom Services, Inc., at Carson City, Nev., to points in the United States (except Alaska, Hawaii, and Nevada).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Carson City or Reno, Nev., or San Francisco, Calif.

No. MC 51146 (Sub-No. 477), filed September 20, 1976. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal container;* (2) *return of empty pallets and other dunnage material*, from Richmond, Va., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Maryland, Michigan, Minnesota, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (3) *returned, refused and rejected merchandise*, from the destinations named in (1) above to Richmond, Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 59396 (Sub-No. 25), filed September 8, 1976. Applicant: BUILDERS EXPRESS, INC., Limecrest Road, Lafayette, N.J. 07848. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Portland, Pa., to points in New Jersey on and north of New Jersey Highway 33, and New York, N.Y., and points in Nassau, Suffolk, Westchester, Dutchess, Putnam, Orange, Rockland, Sullivan, and Ulster Counties, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 74321 (Sub-No. 125), filed September 15, 1976. Applicant: B. F. WALKER, INC., P.O. Box 17-B, 1555 Tremont Place, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger, Suite 140, Cherry Creek Center, 360 South Monroe, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products, and millwork*, from points in California, Idaho, Montana, Oregon, and Washington, to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Utah, restricted against the transportation of lumber and lumber products from points in Idaho and Montana to points in Colorado and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo., Seattle, Wash., or San Francisco, Calif.

No. MC 75320 (Sub-No. 187), filed September 13, 1976. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: John A. Crawford, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment): Serving the plantsite, warehouses and other facilities of Sweetheart Plastics, Inc., a division of Maryland Cup Corporation, at or near Conyers, Ga., as an off-route point in connection with carrier's authorized regular-route operations.

NOTE:—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 76449 (Sub-No. 27), filed September 15, 1976. Applicant: NELSON'S EXPRESS, INC., 675 Market Street, Millersburg, Pa. 17061. Applicant's representative: John W. Frame, 2207 Old Gettysburg Road, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, Classes A and B explosives, naphtha and gasoline in containers, feathers, commodities requiring refrigeration, and those requiring special equipment), (1) Between Harrisburg, Pa., and the District of Columbia: From Harrisburg, over Interstate Highway 83 to Baltimore, Md., thence over U.S. Highway 1 to the District of Columbia, and return over the same route; (2) Between Baltimore, Md. and the District of Columbia: From Baltimore over Interstate Highway 95 to the District of Columbia; (3) Between Harrisburg, Pa., and New Kingstown, Pa.: From Harrisburg over U.S. Highway 11 to New Kingstown, and return over the same route; (4) Between Hogestown, Pa., and Mechanicsburg, Pa.: From Hogestown over Pennsylvania Highway 114 to Mechanicsburg, and return over the same route; (5) Between Mechanicsburg, Pa. and Camp Hill, Pa.: From Mechanicsburg over Pennsylvania Highway 641 to Camp Hill, and return over the same route; (6) Between Harrisburg, Pa. and Lancaster, Pa.: From Harrisburg over U.S. Highway 230 to Lancaster, and return over the same route; (7) Between Middletown, Pa. and Lancaster, Pa.: From Middletown over Interstate Highway 283 to Lancaster, and return over the same route; (8) Between Harrisburg, Pa. and Hershey, Pa.: From Harrisburg over U.S. Highway 322 to its junction with U.S. Highway 422 near Hershey, and thence over U.S. Highway 422 to Hershey, and return over the same route; (9) Between Hershey, Pa. and Elizabethtown, Pa.: From Hershey over Pennsylvania Highway 743 to Elizabethtown, and return over the same route;

(10) Between York, Pa. and Lancaster, Pa.: From York over U.S. Highway 30 to Lancaster, and return over the same route; (11) Between Lancaster, Pa. and Leacock, Pa.: From Lancaster over Pennsylvania Highway 23 to Leacock, and return over the same route; (12) Between Leacock, Pa. and Blue Ball, Pa.: From Leacock over Pennsylvania Highway 23 to Blue Ball, and return over the same route; (13) Between Harrisburg, Pa. and Gettysburg, Pa.: From Harrisburg over U.S. Highway 15 to junction U.S. Highway 30, thence over U.S. Highway 30 to Gettysburg, and return over the same route; (14) Between York, Pa. and Gettysburg, Pa.: From York over U.S. Highway 30 to Gettysburg, and return over the same route; (15) Between New Kingstown, Pa. and Carlisle, Pa.: From New Kingstown over U.S. Highway 11 to Carlisle, and return over the same route; serving all intermediate points in (1) through (15) above, serving those off-route points in Pennsylvania within 25 miles of York, Pa., and serving those off-route points in that part of Maryland bounded by a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 1 to Baltimore, Md., thence along U.S. Highway 140 to the Maryland-Pennsylvania State line, and thence along the Maryland-Pennsylvania State line to the points of beginning, including points on the indicated portions of the highways specified, in connection with the above described regular routes in (1) through (15) above; and serving those points in Pennsylvania and Maryland within 35 miles of York, Pa., in connection with applicant's regular operations to or from York, Pa., restricted: (a) in (1) and (2) above against interchange traffic when interlined at points on the above-described regular routes in Maryland and destined to points in Maryland on the above described regular routes; (b) in (3) through (15) above against interchange traffic when interlined at points on said routes and destined to points in Pennsylvania on the same route; and (c) service at the District of Columbia is restricted against traffic originating at or destined to points in Maryland.

NOTE.—Applicant states it presently holds the above-described authority as irregular route carrier, and the purpose of this application is to convert that irregular route authority to regular route authority. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 82841 (Sub-No. 194), filed September 13, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and built-up steel forms*, from the facilities of Slaughter Industries, Inc., at or near Dallas, Tex., to points in Alabama, Florida, Georgia, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 94835 (Sub-No. 10), filed September 15, 1976. Applicant: J. ROLLMAN & SON, INC., P.O. Box 147, Lititz, Pa. 17543. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food product, food ingredients*, (except in bulk), between the warehouses of Beatrice Foods Co. located at Scranton, Pa. and at or near Allentown, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origins and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Harrisburg, Pa.

No. MC 102616 (Sub-No. 922), filed August 18, 1976. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Road, Akron, Ohio 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline and jet fuel*, in bulk, in shipper owned or shipper controlled tank vehicles from East Chicago, Ind., to Menominee, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio or Chicago, Illinois.

No. MC 105369 (Sub-No. 12), filed September 20, 1976. Applicant: N.Y. & N.J. FREIGHTWAYS, INC., 58-52 Grand Avenue, Maspeth, N.Y. 11378. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dental supplies, hospital supplies, textbooks, science laboratory apparatus and supplies, business machines, business machine equipment and supplies, cleaning compounds* (except in bulk), *printed matter* (except newspapers and magazines), *Office supplies and equipment, office furniture and photographic equipment and supplies*, (a) between New York, N.Y., on the one hand, and, on the other, points in Westchester, Nassau and Suffolk Counties, N.Y.; and (b) between points in Westchester, Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Orange, Rockland, Ulster and Dutchess Counties, N.Y. The purpose of this application is to eliminate the gateway of Hudson County, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 105375 (Sub-No. 63), filed August 18, 1976. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles from the storage facilities of Farmland Industries, Inc. located at or near Barnesville and Benson, Minn., to points in Minnesota, Montana, North Dakota, South Dakota and Wisconsin. Note: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., or Kansas City, Mo.

No. MC 106089 (Sub-No. 14), filed August 13, 1976. Applicant: JOHN G. LANE LINE, INC., 1017 North McDuff Avenue, P.O. Box 6854, Jacksonville, Fla. 32205. Applicant's representative: McCarthy Crenshaw, 1250 Universal Marion Bldg., 21 West Church Street, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products* (not refrigerated and not frozen) and *potato chips*, from Jacksonville, Fla., to points in Alabama (except Montgomery and points in Alabama located within an area bounded by U.S. Highway 80, on the north, U.S. Highway 31, on the west, the Alabama-Florida State Line on the south, and the Alabama-Georgia State Line on the East); and (2) *stale bakery products*, from the destination named in (1) above to Jacksonville, Fla. Note: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Orlando or Miami, Fla. or Atlanta, Ga.

No. MC 106674 (Sub-No. 210), filed September 20, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned or preserved*, from Austin and Brownstown, Ind., to points in Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 107107 (Sub-No. 452), filed September 27, 1976. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW. 42nd Avenue, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail, wholesale and chain groceries and drug business houses, including *supplies and equipment* incidental to the sale thereof, and *hospital materials, equipment and supplies* (except commodities in bulk), from Chicago, Ill., and its Commercial Zone, and points in Cook, Lake, Will, DuPage, Kane, and McHenry Counties, Ill., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., and also Miami, Fla.

No. MC 107403 (Sub-No. 986), filed September 24, 1976. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles from Vicksburg, Miss., to points in Arizona, California, Colorado, Idaho, Oklahoma, Oregon, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107478 (Sub-No. 26), filed September 16, 1976. Applicant: OLD DOMINION FREIGHT LINE, P.O. Box 2006, High Point, N.C., 27261. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier, by* motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), from the plantsite and storage facilities of Armstrong Cork Company, at East Hemfield Township, Pa., to points in Georgia, North Carolina and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or High Point, N.C.

No. MC 107515 (Sub-No. 1023), filed September 13, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Jeno's, Inc., at or near Superior, Wis., and Duluth, Minn., to points in Arizona and California.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 107515 (Sub-No. 1027), filed September 21, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and wood pulp;* and (2) *materials and supplies* used in the manufacture or conversion of those commodities specified in (1) above, between points in Washington and West Feliciana Parishes, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk, in tank vehicles.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 108937 (Sub-No. 42), filed September 20, 1976. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, Minn. 55113. Applicant's representative: Raymond L. Stevens (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Rhinelander, Wis., to points in Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Chicago, Ill.

No. MC 110166 (Sub-No. 22), filed September 13, 1976. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., 40 Nance Lane, P.O. Box 7308, Nashville, Tenn. 37210. Applicant's representative: J. C. Hutcheson (same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, building contractors equipment, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Wadesboro, N.C. and Fayetteville, N.C. serving all intermediate points, and serving the off-route points of Acme, Allenton, Antioch, Ashley Heights, Autryville, Benson, Bladenboro, Bonnie Doon, Buie, Benn Level, Cameron, Camp LeJeune, Cedar Creek, Clinton, Coats, Cumberland, Daystrom, Duart, Dundarrach, Dunn, East Laurinburg, East Lumberton, Eastwood, Elizabethtown, Erwin, Fairmont, Falcon, Fort Bragg, Garland, Hillcrest, Hope Mills, Keener, Kenansville, Lakeview, Lemon Springs, Lena, Lillington, Linden, Lumber Bridge, Lumberton, Manchester, Manly, Maxton, McCain, Montrose, Parkersburg, Parkton, Pembroke, Pinebluff, Pinehurst, Pineview, Pope Airforce Base, Raeford, Red Springs, Remert, Tex, Roseboro, Rowland, St. Paul, Salemburg, Sanford, Shannon, Southern Pines, Spout Springs, Spring Lake, Stedman, Swann Station, Teachey, Timberland, Tobemory, Tokay, Turkey, Vander, Wade, Wakulla, Warsaw, and White Oak (Bladen County), N.C.: From Wadesboro over U.S. Highway 64 to Laurinburg, N.C., thence over U.S. Highway 401 to Fayetteville.

(2) Between Raleigh, N.C. and Wilson, N.C., serving all intermediate points, and serving the off-route points of Ayden, Battleboro, Bethel, Chocowinity, Conetoe, Dudley, Elm City, Everetts, Falkland, Farmville, Fremont, Goldsboro, Graingers, Greenville, Grifton, Grover, Hookerton, Jamesville, Kingston, Lagrange, Maclesfield, Maury, Mt. Olive, Nashville, Pactolus, Pine Tops, Plymouth, Robersonville, Rocky Mount, Saratoga, Seymour-Johnson AFB, Sharpsburg, Snow Hill, Tarboro, Walstonburg, Washington, Whitakers, Williamston, and Wintersville, N.C.: From Raleigh over U.S. Highway 64 to its junction with U.S. Highway 264, thence over U.S. Highway 264 to Wilson, N.C., and return over the same route; and (3) Between Asheville, N.C. and Florence, S.C., serving all intermediate points, and serving the off-route points of Auburn, Bennettsville, Bingham, Bishopville, Blenheim, Brownsville, Cartersville, Cayce, Centenary, Cheraw, Claussen, Clio, Coward, Darlington, Dillon, Dovesville, Dunbar, Effingham, Elliott, Evergreen, Floyd, Floydale, Hartsville, Hyman, Kingsburg, Kingstree, Lake City, Lakeview, Lamar, Latta, Little Rock, Lydia, McBee, Marion, Mars Bluff, Mullins, Oak Grove, Otts, Olanta, Pamplico, Pee Dee, Quincy, Rains, Rembert, St. Charles, Sardis, Scranton, Sellers, Shiloh, Smithboro, Society Hill, Springdale, Sumter, Timmonsville, Una, Wallace, Wisasky, and Zion, S.C.: From Asheville, N.C., over U.S. Highway 25 to Greenville, S.C., thence over U.S. Highway 276 to junction Interstate Highway 26, thence over Interstate 26 to Columbia, S.C., thence over Interstate Highway 20 to Florence, S.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, Raleigh or Asheville, N.C.

No. MC 110686 (Sub-No. 51), filed September 1, 1976. Applicant: MCCORMACK DRAY LINE, INC., Avis, Pa. 17721. Applicant's representative: David

A. Sutherland, 1140 Connecticut Ave., NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire and chain; wire, chain and fiber rope; and wire, chain, fiber and synthetic slings and webbing and sling and webbing assemblies;* from Muncy, Exeter and Hanover Township (Luzerne County), Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pensylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia; and (2) *materials and supplies*, used in the manufacture, handling and packaging of the commodities described in (1) above, from points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia, to Muncy, Exeter and Hanover Township (Luzerne County), Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 681) filed September 14, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electronic and computer parts and related materials*, in packages or articles not exceeding 100 pounds in the aggregate from one consignor to one consignee on any one day, and (2) *business papera, records, audit and accountnig media*, between Los Alamos, N. Mex., and the Albuquerque International Airport, located in Albuquerque, N. Mex., restricted to traffic having an immediately prior or subsequent movement by air. Note: Applicant holds contract carrier authority in MC-112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 524), filed September 20, 1976. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering and materials and supplies* used in the distribution and installation of floor covering, from the plantsite and storage facilities of Armstrong Cork Company, located near Landisville in East Hempfield Township, Pa., to Sioux Falls, S. Dak.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 112582 (Sub-No. 45), filed September 15, 1976. Applicant: T. M. ZIMMERMAN COMPANY, P.O. Box 380, R.D. No. 2, Chambersburg, Pa. 17201. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third St., Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients* (except in bulk), between the warehouses of Beatrice Foods Co. located at Scranton, Pa. and at or near Allentown, Pa, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origins and destined to the above named destinations.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 113267 (Sub-No. 340), filed September 21, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 3010 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., NE, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and wood pulp;* and (2) *materials and supplies* used in the manufacture or conversion of those commodities specified in (1) above, between points in Washington and West Feliciana Parishes, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk, in tank vehicles.

Note.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 113678 (Sub-No. 639), filed September 27, 1976. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from Logan, Utah, to points in Colorado, Idaho, Montana, New Mexico, Oregon, Texas, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Denver, Colo.

No. MC 113855 (Sub-No. 359), filed September 13, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, and parts and attachments* thereof, from Havana, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above, on return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 284), filed September 16, 1976. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard Street, Waterloo, Iowa 50704. Applicant's representative: Dan Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, from Granite City, Ill., to points in Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Chicago, Ill.

No. MC 114273 (Sub-No. 260), filed September 17, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Bldg., 2720 First Ave. N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors and wines*, from Allen Park and Detroit, Mich.; Chicago, Lemont, Plainfield, Pekin, and Peoria, Ill.; Cincinnati, Ohio; and Louisville, Ky., to Wichita, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 261), filed September 17, 1976. Applicant: CRST, INC., P.O. Box 68, Grand Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Bldg., 2720 First Ave. N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes: *Tires, tire tread or tread stock, tire beads, tire tubes, tires*, used, for rehabilitation, *adhesives, cement, pastes, glues*, and *other articles* used in the rehabilitation of tires, from Muscatine, to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 262), filed September 17, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Bldg., 2720 First Avenue N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Sinking Springs, Pa., to Eau Claire, Mich., and Peru, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 263), filed September 17, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Bldg., 2720 First Ave. N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, coatings, and sealants*, from Grove City, Ohio, and Wayne, Mich., to points in Iowa on the north of U.S. Highway 20, points in North Dakota on and east of State Highway 1, points in Wisconsin on and west of State Highway 69 and U.S. Highway 51, and points in Minnesota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114274 (Sub-No. 36), filed September 15, 1976. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th Street Place, P.O. Box 1703, Des Moines, Iowa 50306. Applicant's representative: William H. Towle, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the facilities of Bookey Packing Co., a division of Swift & Co., located at Des Moines, Iowa, and the facilities of Swift & Co., located at Marshalltown, Iowa, to points in Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114334 (Sub-No. 34), filed September 24, 1976. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and products, and iron and steel tanks*, from Memphis, Tenn., to points in Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 114457 (Sub-No. 269), filed August 23, 1976. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Artificial Christmas trees and accessories, wreaths, garlands, and shrubberies*, from the facilities of American Technical Industries, Inc., and its divisions and subsidiaries, located at Lexington, Ky., to those points in Colorado located in and east of Larimer, Boulder, Jefferson, Teller, Fremont, Custer, La Plata, and Las Animas Counties; and points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 114457 (Sub-No. 270), filed August 24, 1976. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, (1) from Piscataway, N.Y., to Milwaukee, Wis.; Peoria, Ill., and Frankenmuth, Mich.; (2) from Danbury, Conn., to Sharonville, Ohio; La Crosse and Milwaukee, Wis., and Frankenmuth, Mich.; and (3) from Millis, Mass., to St. Paul, Minn.; La Crosse, Wis., and Frankenmuth, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn., or Chicago, Ill.

No. MC 114552 (Sub-No. 124), filed September 23, 1976. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling, gypsum board, composition board, molding*, and *materials* used in the manufacture thereof (except in bulk), between the facilities of Pan American Gyro-Tex Company, located at or near Jacksonville, Fla., on the one hand, and, on the other, points in the United States in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 115162 (Sub-No. 334), filed September 17, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, fittings, and accessories* (except in bulk, in tank vehicles), between points in Monroe County, Miss., on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Kansas, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Washington, D.C.

No. MC 115162 (Sub-No. 335), filed September 20, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Jefferson and Shelby County, Ala., to points in Florida, Georgia, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Atlanta, Ga.

No. MC 115331 (Sub-No. 418), filed September 27, 1976. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer solution*, in bulk, from Fulton, Ill., to points in Illinois, Iowa, Missouri, Minnesota and Wisconsin; and (2) *fertilizer*, in bulk, from North Pekin, Ill., to points in Iowa, Minnesota, Missouri and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Des Moines, Iowa.

No. MC 116073 (Sub-No. 334), filed September 1, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Donald E. Cross, 918—16th Street, NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers, tent campers, motor homes, van conversions*, and *pickup campers and caps*, from points in Indiana to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 116763 (Sub-No. 357), filed September 13, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richter's P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour* (except in bulk), from Buhler and Inman, Kans., to points in and east of Kansas, Nebraska, Oklahoma, North Dakota, South Dakota and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 116858 (Sub-No. 17), filed September 13, 1976. Applicant: J & M CAR-

RIERS CORP., 43-06 54th Road, Maspeth, N.Y. 11378. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is distributed by a premium stamp redemption center in redemption of premium stamps, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, (a) between the warehouse of Sperry & Hutchinson Co., located in Metuchen, N.J., on the one hand, and, on the other, points in Middlesex, Essex, Bristol, Worcester, and Plymouth Counties, Mass., and Providence and Kent Counties, R.I.; and (b) from Suffolk County, Mass., to Jersey City, N.J. and Metuchen, N.J.; and (2) *premium stamp books* with stamps attached, from points in Middlesex, Essex, Bristol, Worcester and Plymouth Counties, Mass., and Providence and Kent Counties, R.I., to the warehouse of Sperry & Hutchinson Co., located in Metuchen, N.J., and under a continuing contract, or contracts, with Sperry & Hutchinson Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 116996 (Sub-No. 11), filed September 16, 1976. Applicant: B & B CARRIERS, INC., P.O. Box 160, Honey Brook, Pa. 19344. Applicant's representative: Sally Martin, R.D. No. 1, P.O. Box 66, East Earl, Pa. 17519. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, from Paradise, Pa., to points in Delaware, those in New Jersey south of New Jersey Highway 33, and those in Maryland north of Baltimore and east of U.S. Highway 15 and on the Delmarva Peninsula, under a continuing contract, or contracts, with International Mill Service.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 117036 (Sub-No. 22), filed September 3, 1976. Applicant: H. M. KELLEY, INC., R.D. No. 1, P.O. Box 87, New Oxford, Pa. 17350. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt paving blocks and slabs, concrete and clay products and materials and supplies* used in the application thereof, on vehicles equipped with mechanical boom unloaders, from Adams and Berks Counties, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia; and (2) *returned shipments* of the commodities in (1) above, from points in the above named destinations, to points in the above-named origin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 117823 (Sub-No. 51), filed September 15, 1976. Applicant: DINKLEY REFRIGERATED TRANSPORT, INC., 1915 South 900 West, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato products* (except frozen) and *frozen foods*, from Ontario, Oreg., to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Salt Lake City, Utah.

No. MC 118159 (Sub-No. 185), filed August 18, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., Dawson Station, P.O. Box 51366, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* from the plantsite of Champion International Corp., located near Courtland, Ala., to points in Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118263 (Sub-No. 63), filed September 15, 1976. Applicant: COLDWAY CARRIERS, INC., P.O. Box 38, Clarksville, Ind. 47130. Applicant's representative: William P. Whitney, Jr., 703-706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients* (except in bulk), between the warehouses of Beatrice Foods Co. located at Scranton, Pa. and at or near Allentown, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origins and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis. or Chicago, Ill.

No. MC 118831 (Sub-No. 138), filed September 2, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 2608, High Point, N.C. 27261. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil and vegetable oil products*, in bulk, from Charlotte, N.C., to point in Alabama, Florida, New Jersey, and New York.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119399 (Sub-No. 64), filed September 13, 1976. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, Mo. 64801. Applicant's representative: Dean Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Minerals, mineral mixtures, feed and fertilizer materials* and *compounds and ingredients thereof*, from Galena, Kans., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin; and (2) *insulating materials*, from Joplin, Mo., to points in Jefferson County, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 119493 (Sub-No. 144), filed September 21, 1976. Applicant: MON KEM COMPANY, INC., West 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and wood pulp;* and (2) *materials and supplies* used in the manufacture or conversion of those commodities specified in (1) above, between points in Washington and West Feliciana Parishes, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk, in tank vehicles.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 119793 (Sub-No. 10), filed September 1, 1976. Applicant: DEWEY L. WILFONG, doing business as D & W TRUCK LINES, 209 First Street, P.O. Box 427, Parsons, W. Va. 26287. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, veneer, hardboard, lumber products, and wood products, and materials, equipment and supplies*, used in the manufacture, processing, sale and distribution of the aforementioned commodities (except commodities, in bulk, in tank vehicles), between the plantsite of and facilities utilized by Hinchcliff Lumber Co., located in Tucker County, W. Va., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract or contracts with Hinchcliff Lumber Co. of Parsons, W. Va.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Charleston, W. Va.

No. MC 120472 (Sub-No. 2), filed July 21, 1976. Applicant: GOLLOT & SONS TRANSFER & STORAGE INC., 1255 Gaillavet Street, Biloi, Miss. 39533. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Mississippi on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee and Texas.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Bioxi, Miss.

No. MC 120761 (Sub-No. 14), filed August 13, 1976. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, Fort Worth, Tex. 76118. Applicant's representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel bars, joists, steel decking, anchors, bolts and nuts*, from the plantsite and storage facilities of Vulcraft Division of Nucor Corporation, located at or near Grapeland, Tex., to points in Arizona, Arkansas, Louisiana, New Mexico and Oklahoma.

Note.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 123255 (Sub-No. 85), filed September 15, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee Jr. (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, between the plantsite and storage facilities of Midland Glass Co., Inc., located at Cliffwood, N.J. and points in New York.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123274 (Sub-No. 4), filed September 9, 1976. Applicant: MARSHALL SERVICE, INC., Pearl Street, Newfield, N.J. 08344. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, from DFSP, Jacksonville, N.J., and Port Reading, N.J., to New Cumberland and Annville, Pa.

Note.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 123294 (Sub-No. 38), filed September 14, 1976. Applicant: WARSAW TRUCKING COMPANY, INC., 1102 W. Winona Avenue, Warsaw, Ind. 46580. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral fiber, mineral fiber products and insulating materials*, from the facilities of the United States Gypsum Company, located at South Plainfield, N.J., to points in Pennsylvania west of U.S. Highway 15, New York west of U.S. Highway 15, Ohio, Michigan, Indiana, Illinois and West Virginia north of West Virginia Highway 7.

Note.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 123294 (Sub-No. 39), filed September 16, 1976. Applicant: WARSAW TRUCKING CO., INC., 1102 W. Winona, Warsaw, Ind. 46580. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except in bulk), (1) from the facilities of The Laminated and Coated Products Division of St. Regis Paper Company, located at Troy, Ohio; the International Paper Co., located at Springdale, Ohio; the Miami Paper Corporation, located at West Carrollton, Ohio; Olinkraft, Inc., located at Evendale, Ohio; the Miami Valley Paper Shippers Association, Inc., located at Hamilton, Ohio; the Equitable Bag Co., Inc., located at Florence, Ky.; Premier Industries, Inc., located at Covington, Ky.; and Middletown Paperboard Co., Harding & Jones Paper Co., Crystal Tissue Co., and Hoerner Waldorf Corporation, located at Middletown, Ohio, to points in Illinois, Indiana, Iowa, Michigan, Missouri, and Wisconsin; (2) from the facilities of Howard Paper Mills, Inc., located at Urbana, Ohio, to points in Illinois, Iowa, and Missouri; (3) from the facilities of The Fiber Products Division of the Diamond International Corporation, located at Middletown and Dayton, Ohio, to points in Illinois, Indiana, Iowa, Michigan, and Missouri; and (4) from the facilities of The Diamond International Corporation, located at Lockland and Middletown, Ohio to points in Illinois and Missouri.

Note.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Columbus, Ohio.

No. MC 123391 (Sub-No. 13), filed September 9, 1976. Applicant: MACHISE INTERSTATE TRANSPORTATION CO., N. Egg Harbor Road, Hammonton, N.J. 08037. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel*, in bulk, in tank vehicles, fom Jacksonville, N.J., to New Cumberland Army Depot, Pa., and PANG, located in Annville, Pa.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Trenton, N.J.

No. MC 123407 (Sub-No. 327), filed September 16, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and sand mixtures, iron and sand mixtures, concrete curing compounds, water proofing compounds, and water reducing admixture*, in bags and containers, from North Judson, Ind., and Trenton, N.J., to points in the United States in and east of Iowa, Kansas, Minnesota, Missouri, Oklahoma and Texas.

Note.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123872 (Sub-No. 55), filed September 17, 1976. Applicant: W & L MOTOR LINES, INC., P.O. Box 2607, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the plantsite and shipping facilities of Bruce Foods Corporation located at or near Wilson, N.C., to points in Florida, Georgia, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and the District of Columbia, restricted to traffic originating at the above named plantsite and destined to the above named states.

Note.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte or Raleigh, N.C.

No. MC 123905 (Sub-No. 15), filed September 13, 1976. Applicant: OLEN BURRAGE TRUCKING, INC., Route No. 9, Box 22-A, Philadelphia, Miss. 39350. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box. 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet steel*, in coils and bundles, and *steel rods*, from Zanesville, Perry, Cleveland, Lorain, Oakley, and Mansfield, Ohio; Butler and Rankin, Pa.; Chicago, Ill.; and Fairfield, Ala., to the facilities of U.S. Electric Motors Division, Emerson Electric Co., located at Philadelphia, Miss., restricted to traffic originating at and destined to the above named points, under a continuing contract, or contracts, with Emerson Electric Co., located at St. Louis, Mo.

Note.—Applicant holds common carrier authority in MC-136315 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss. or Memphis, Tenn.

No. MC 124062 (Sub-No. 11), filed June 21, 1976. Applicant: FRICK TRANSPORT, INC., Wawaka, Ind. 46749. Applicant's representative: Donald W. Smith, One Indiana Square, Suite 2465, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Chicago, Ill., to points in the lower peninsula of Michigan and Ohio.

NOTE.—The purpose of this application is to eliminate the gateway of Wawaka, Indiana. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 124170 (Sub-No. 60), filed September 14, 1976. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Laboratory supplies, chemicals, and laboratory chemical apparatus*, from Cockeysville, Md., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, North Carolina, Tennessee, Virginia and West Virginia; and (2) *commodities* otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act when moving in the same vehicle and at the same time with commodities subject to economic regulation under the Act, from Paxinos and Bird Ind Hand, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, North Carolina, Tennessee, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 124951 (Sub-No. 37), filed September 13, 1976. Applicant: WATHEN TRANSPORT, INC., P.O. Box 237, Henderson, Ky. 42420. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and household goods as defined by the Commission), between Southwind Maritime Centre, located at or near Mt. Vernon (Posey County), Ind., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Missouri and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind., or Louisville, Ky.

No. MC 125023 (Sub-No. 42), filed September 15, 1976. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Avenue, P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Paul F. Sullivan, 711 Washington, Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, from Chicago, Ill., to points in Massachusetts, New York, and New Jersey; and (2) *empty used malt beverage containers* in the reverse direction.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 128247 (Sub-No. 28), filed September 13, 1976. Applicant: BURSAL TRANSPORT, INC., 3839 South LaFountain, Kokomo, Ind. 46901. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed clay in containers*, from the facilities of Georgia-Tennessee Mining Company, at Wrens, Ga., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, under contract with Georgia-Tennessee Mining Company, at Harrison, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128270 (Sub-No. 18), filed September 15, 1976. Applicant: REDIEHS INTERSTATE, INC., 1447 Ripley Street, East Gary, Ind. 46405. Applicant's representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Cook, Du Page, Lake, and Will Counties, Ill., points in Lake and Porter Counties, Ind., St. Louis, Mo., and the plant sites and warehouse facilities of Morton Building Company located at or near Spence, Iowa and Winfield, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 235), filed September 15, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Home laundry washers and dryers; refrigerators; freezers; ranges; ovens; range hoods; dishwashers; garbage disposers; waste compactors; room air conditioners; cooking surface units* and *other household appliances* and *parts and accessories* for household appliances, from Little Rock, Ark., to points in Louisiana, Mississippi, Missouri and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 128462 (Sub-No. 3), filed September 13, 1976. Applicant: SCHULTZ & SON TRUCK LINE, INC., 15 Sixth Street Southeast, Long Prairie, Minn. 56347. Applicant's representative: Gordon Rosenmeier, 72 Broadway, Little Falls, Minn. 56345. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen meats*, (2) *meats, meat products, meat by-products and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and frozen foods), in vehicles equipped with mechanical refrigeration, from Long Prairie, Minn., to points in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Iowa, Idaho, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Montana, Missouri, Mississippi, Maryland, Michigan, Nebraska, North Dakota, North Carolina, Nevada, New Hampshire, New York, New Jersey, New Mexico, Ohio, Oregon, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming and the District of Columbia, under a continuing contract, or contracts, with Long Prairie Packing Company.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 128698 (Sub-No. 13), filed September 21, 1976. Applicant: ERDNER BROTHERS, INC., Davidson Road, Swedesboro, N.J. 08085. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 2005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in the manufacture and distribution of foodstuffs, from points in Delaware, New Jersey, New York, Ohio, Pennsylvania, Michigan, Virginia, West Virginia and the District of Columbia, to Salisbury, Md.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128762 (Sub-No. 16), filed September 13, 1976. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, 410 North Third Street, P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum products, and supplies, materials and equipment* used in the manufacture thereof (except in bulk), from Morris, Ill., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia, under a continuing contract, or contracts, with Alumas Mill Products, Inc., Subsidiary of Alumax, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 129290 (Sub-No. 2), (Correction), filed July 21, 1976. Published in the Federal Register issue of September 30, 1976, republished as corrected this issue. Applicant: MACKINAW COMPANY, 1500 Pine Street, Essexville, Mich. 48732. Applicant's representative: John W. Bryant, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicle, from the plantsite of Martin-Marietta Corporation (Martin-Marietta Cement, Northern Division), located at Essexville, Mich., to the International Boundary between the United States and Canada located at Detroit, Mich., restricted to traffic destined to the Province of Ontario, Canada.

Note.—The purpose of this republication is to indicate applicant's correct docket number which was previously omitted from the Federal Register Notice. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Washington, D.C.

No. MC 129537 (Sub-No. 15), filed September 17, 1976. Applicant: REEVES TRANSPORATION CO., Route 5, Dew's Pond Road, Calhoun, Ga. 30701. Applicant's representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, Fla. 33602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets and rugs*, from points in Floyd, Bartow, Chattooga, Muscogee, Gordon, Whitfield, Murray, Walker, Catoosa and Troup Counties, Ga., to points in Duval County, Fla.

Note.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla. or Atlanta, Ga.

No. MC 133228 (Sub-No. 7), filed August 18, 1976. Applicant: JOHN R. WELCH, WILLIAM WELCH, AND WILBURN D. WELCH, doing business as, WELCH BROTHERS TRUCKING CO., 1105 South Bolder, Portales, N. Mex. 88130. Applicant's representative: Edwin E. Piper, 1115 Sandia Savings Building, Albuquerque, N. Mex. 87102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Colorado, Texas and Oklahoma (except the counties of Latimer, LeFlore, Pushmataha, McCurtain and Choctaw), to points in Arizona, under a continuing contract or contracts with Southwest Forest Industries.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex.

No. MC 133689 (Sub-No. 80), filed September 8, 1976. Applicant: OVERLAND EXPRESS, INC., 719 First St. S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over iregular routes, transporting: *Such merchandise* as is dealt in by retail and wholesale department and hardware stores (except commodities in bulk); (1) from points in that part of the United States in and east of Alabama, New York, Pennsylvania, Tennessee, Virginia and West Virginia to the facilities of Coast to Coast Stores Central Organization, Inc. located at or near Crawfordsville, Indiana; (2) from points in that part of the United States in and east of Alabama, Indiana, Kentucky, Michigan, and Tennessee to the facilities of Coast to Coast Stores Central Organization, Inc., located at Kansas City, Mo.; and (3) from points in that part of the United States in and east of Alabama, Illinois, Missouri, Tennessee and Wisconsin to the facilities of Coast to Coast Stores Central Organization, Inc., located at or near Brookings, S. Dak.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 133796 (Sub-No. 35), filed August 13, 1976. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: John W. Frame, 2207 Old Gettysburg Road, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hair curlers, shampoos, cream rinses, bobbypins, waterproof plastic capes, towels, brooms, nail files, scissors, notions and novelties* (except fireworks); (2) *materials and supplies* used in the manufacture of the commodities described above; and (3) *such merchandise* as is dealt in by variety stores, (except commodities in bulk), from the plantsite of Wilson Manufacturing Corporation and Hugh H. Wilson Company, located at Sunbury, Pa., to Carollton, Tex. and points in California, Colorado, Oregon, Utah and Washington.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 134477 (Sub-No. 117), filed September 13, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail and wholesale department and hardware stores (except commodities in bulk); (1) from points in that part of the United States in and east of Alabama, New York, Pennsylvania, Tennessee, Virginia and West Virginia, to the facilities of Coast to Coast Stores Central Organization, Inc., located at or near Crawfordsville, Ind.; (2) from points in that part of the United States in and east of Alabama, Indiana, Kentucky, Michigan and Tennessee, to the facilities of Coast to Coast Stores Central Organization, Inc. located at Kansas City, Mo., and (3) from points in that part of the United States in and east of Alabama, Illinois, Missouri, Tennessee and Wisconsin, to the facilities of Coast to Coast Stores Central Organization, Inc., located at or near Brookings, S. Dak.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 121), filed September 13, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Eau Claire and Whitehall, Wis., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation originating at the facility of Whitehall Packing Company, Inc., located at or near Eau Claire and Whitehall, Minn., and destined to the above named destination points.

Note.—If a hearing is deemed necessary, the applicant requests it to be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 123), filed September 13, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products* (except commodities in bulk), from Jersey City, N.J., to Chicago, Ill., Detroit, Mich., and Minneapolis-St. Paul, Minn.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134501 (Sub-No. 18), filed September 20, 1976. Applicant: INCORPORATED CARRIERS, LTD., a division of BROOKS INTERNATIONAL, INC., P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Quincy, Illinois, to points in that part of Indiana south of U.S. Highway 50, and points in Iowa, Kansas, Massachusetts, Missouri, Nebraska, New Hampshire, New York, Ohio, Pennsylvania, Vermont, West Virginia, Wyoming, and the District of Columbia.

Note.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Chicago, Ill.

No. MC 134501 ((Sub-No. 19), filed September 20, 1976. Applicant: INCORPORATED CARRIERS, LTD., a division of BROOKS INTERNATIONAL, INC., P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T. M. Brown, 223 Ciuda Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors*, from the plantsite of Timco Industries, Inc., located at or near Cuero, Tex., to points in Alabama, Arizona, California, Colorado, Michigan, Montana, Nebraska, New Mexico, Nevada, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, or San Antonio, Tex.

No. MC 134599 (Sub-No. 148), filed September 8, 1976. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass* (except commodities in bulk or those which because of size or weight require the use of special handling or special equipment), from Tulsa, Okla., to East Paterson and Maywood, N.J., under a continuing contract, or contracts, with Mattel, Inc.

NOTE.—Applicant holds common carrier authority in MC 139906 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necesary, the applicant requests it be held at either Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134734 (Sub-No. 31), filed September 13, 1976. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, Nebr. 68137. Applicant's representative: Joseph Winter, 33 North La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as set forth in Sections A and D of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (a) from Searcy, Ark., to points in the United States (except Alaska and Hawaii); and (b) from Lansing, Ill., to Searcy, Ark., under a continuing contract, or contracts, with Land O'Frost, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 134970 (Sub-No. 9), filed September 9, 1976. Applicant: UNZICKER TRUCKING INC., Highway 24 East, P.O. Box 35, El Paso, Ill. 61738. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from the storage facilities of the Crooks Terminal Warehouse, Inc., located in the Chicago, Ill., Commercial Zone to points in Illinois and to that portion of Iowa bounded on the west by U.S. Highway 169 and by the Iowa-Minnesota State Line on the north, the Iowa-Wisconsin State Line on the east and the Iowa-Missouri State Line on the south, restricted to traffic having an immediate prior interstate movement.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at Chicago, Ill.

No. MC 135185 (Sub-No. 31), filed September 17, 1976. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Garry Ave., Santa Ana, Calif. 92705. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Drugs, medicines, cosmetics, plastic boxes, weed killing compounds, and animal and poultry feed supplements* (except in bulk), from the plantsites and storage facilities used by Eli Lilly & Co., located at or near Roanoke, Va., and Indianapolis, Lafayette, and Clinton, Ind., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and (B) *materials and supplies* used in the manufacture and production of and rejected and/or damaged shipments of the commodities named in part A above (except in bulk), from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, to the plantsite and storage facilities used by Eli Lilly & Co., located at or near Roanoke, Va., and Indianapolis, Lafayete, and Clinton, Ind., under a continuing contract, or contracts, with Eli Lilly & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at Indianapolis, Ind.

No. MC 135235 (Sub-No. 5), filed September 20, 1976. Applicant: LOMA CARTAGE, INC., 11359 Franklin Avenue, Franklin Park, Ill. 60131. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering and materials and supplies* used in the installation of floor covering (except commodities in bulk), from points in Cook, DuPage, and Lake Counties, Ill., and Lake County, Ind., to points in Brown, Dane, Dodge, Fond du Lac, Jefferson, Kewaunee, Manitowac, Outagamie, Ozaukee, Rock, Sheboygan, Walworth, Washington, and Winnebago Counties, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 136611 (Sub-No. 1) (Correction), filed June 24, 1976, published in the FEDERAL REGISTER issue of August 12, 1976, republished as corrected this issue. Applicant: RED & WHITE MARKET & TRANSFER, INC., 1214 East South Street, Hastings, Nebr. 68901. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Agricultural machinery and equipment and land rollers*, between Hastings, Nebr., on the one hand, and, on the other, points in Colorado, Kansas, Iowa, Minnesota, and South Dakota; (b) *agricultural machinery, farm implements, and parts thereof, and farm tools*, between Hastings, Nebr., on the one hand, and, on the other, points in Missouri, Oklahoma, and Texas; (c) *farm machinery and parts, farm implements and tools, and wagons and parts*, from Hastings, Nebr., to St. Paul, Minn., Sioux Falls, S. Dak., points in that part of Iowa north of U.S. Highway 6 and west of U.S. Highway 65, and those in that part of Minnesota west of U.S. Highway 65 and south of U.S. Highway 14, including points on the indicated portions of the highways specified; (d) *farm machinery and parts, farm implements and tools, and wagons and parts*, from St. Paul, Minn., to Algona, Charles City, and Spencer, Iowa, and Omaha and Hastings, Nebr.; (2) *farm truck bodies*, from Hastings, Nebr., to points in Illinois, Indiana, Kentucky, North Dakota, Wyoming, Montana, Louisiana, Missouri, Oklahoma, Texas, Utah, and Idaho, (3) *lumber, sheet metal, and hardware*, from points in Illinois, Indiana, Kentucky, and Louisiana to Hastings, Nebr.; (4) *lumber, aluminum sheet, nuts, bolts, rivets, sheet metal* (formed or unformed), and *rejected shipments* of farm truck bodies, from points in Missouri, Oklahoma, Texas, Utah, and Idaho, to Hastings, Nebr.; (5) *farm truck body parts*, from Louisville, Ky., to Hastings, Nebr.

(6) *farm machinery and parts*, from Hastings, Nebr., to points in Iowa, Illinois, Missouri, Kansas, Colorado, South Dakota, North Dakota, Minnesota, Wyoming, Montana, and Indiana, (7) *machinery, parts, supplies, and materials* used in the manufacture of farm machinery, from points in Iowa, Illinois, Missouri, Kansas, Colorado, North Dakota, South Dakota, Minnesota, Wyoming, Montana, and Indiana to Hastings, Nebr.; and (8) (a) *Agricultural and industrial machinery and equipment*, and *parts thereof*, between Hastings, Nebr., on the one hand, and, on the other, points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Illinois, Indiana, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Kentucky, Michigan, Tennessee, North Carolina, South Carolina, Alabama, Georgia, Florida, Mississippi, Louisiana, Arkansas, Wisconsin, Arizona, New Mexico, Nevada, California, Idaho, Utah, Washington,

and Oregon; and (b) *tubing,* from Delta, Ohio, to Hastings, Nebr. Part 1 (d) is restricted to traffic originating at and destined to the named origin and destination points. Parts 1(a), 1(b), 1(c), 2, 3, 4, 5, 6, 7, 8(a), and 8(b), above are restricted to traffic originating at or destined to Hastings, Nebr.

NOTE.—The purpose of this republication is to correct applicant's docket number which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Hastings, Nebr.

No. MC 138144 (Sub-No. 12), filed September 13, 1976. Applicant: FRED OLSON CO., INC., 6022 W. State Street, Milwaukee, Wis. 53213. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Cast iron, pipe, hydrants, valves, fittings, couplings, castings; and (2) materials and supplies,* used in the installation of commodities in (1) above, from the plantsites and storage facilities of Clow Corporation, located at or near Coshocton, Ohio, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Pennsylvania, South Dakota, and Wisconsin.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138157 (Sub-No. 26), filed August 13, 1976. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, Tenn. 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Housewares and fireplace equipment,* from points in Marion County, Tenn., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary Line between the United States and Canada.

NOTE.—Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 138420 (Sub-No. 13), filed September 13, 1976. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., P.O. Box 147, Cleveland, Wis. 53015. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, P.O. Box 8004, Madison, Wis. 53703. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Canned goods and prepared foodstuffs,* from Cleveland, Antigo, Theresa, and Clintonville, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Pennsylvania; and (2) *canned goods and prepared foodstuffs,* from the plantsite and warehouse facilities of California Canners and Growers, located at or near Lomira, Wis., to points in Minnesota and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fond du Lac, or Madison, Wis.

No. MC 138425 (Sub-No. 1), filed September 7, 1976. Applicant: H. ALFRED KING, SR., doing business as HELMRICH TOWING SERVICE, 4450 Marlton Pike, Pennsuken, N.J. 08110. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and inoperative motor vehicles and trailers and replacement motor vehicles and trailers,* in towaway service by wrecker equipment, between points in Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 138432 (Sub-No. 6), filed September 27, 1976. Applicant: GARLAND GEHRKE, R.F.D. No. 1, Lincoln, Ill. 62656. Applicant's representative: James R. Madler, Room 718, 120 W. Madison St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic articles,* from Jerseyville, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 138461 (Sub-No. 2), filed August 19, 1976. Applicant: YUCCA MOVING & STORAGE CO., 720 W. Organ, P.O. Box 852, Las Cruces, N. Mex. 88001. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods* restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments, between points in Hidalgo, Grant, Luna, Sierra, Dona Ana and Ortero Counties, N. Mex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Las Cruces, N. Mex.

No. MC 138478 (Sub-No. 4), filed September 16, 1976. Applicant: MICHAEL E. SCHNITKER, doing business as SCHNITKER TRUCK LINES, P.O. Box 155, Arenzville, Ill. 62611. Applicant's representative: Otis H. Weaver, Jr., P.O. Box 58, Griffin, Ga. 30224. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, plywood, wood shingles, timbers, both surfaced or rough, untreated or pressure treated with chemicals; lumber green rough native hardwood; rough surfaced kiln dried wooden posts, poles and piling, untreated or pressure treated with chemicals,* from Beardstown, Ill., to points in Minnesota and Wisconsin, under contract with Casswood Treated Products Company, at Beardstown, Ill.

NOTE.—If a hearing is deemed necessary applicant requests it be held at either Beardstown or Springfield, Ill.

No. MC 138741 (Sub-No. 26), filed September 15, 1976. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Building, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Building materials* (except in bulk), from the plant site, shipping and warehouse facilities of the Celotex Corporation located at or near Wilmington, Ill., to points in Iowa, Lower Peninsula of Michigan, Missouri, Nebraska, and Wisconsin, restricted to traffic originating at the Celotex Corporation located at or near Wilmington, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 139043 (Sub-No. 3), filed September 13, 1976. Applicant: JOSEPH F. SACCOMANNO, doing business as S.A.C. TRANSPORTATION, East 428 14th Avenue, Spokane, Wash. 99208. Applicant's representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, Wash. 99201. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages, wine, and related advertising material moving therewith,* from points in Sonoma, Solano, and Fresno Counties, Calif., to points in Spokane County, Wash., under contract with B & B Distributors, Inc., at Spokane, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 139193 (Sub-No. 41), filed September 8, 1976. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 2033 K Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except liquid commodities in bulk and hides and skins), (a) from East St. Louis and National City, Ill., and St. Louis, Mo., to points in Kentucky, Indiana, and Ohio; and (b) from Cincinnati, Ohio to points in Illinois, Indiana, Kentucky, Missouri, and Ohio; and (2) *such commodities* as are used by meat packers in the conduct of their business, (a) from points in Illinois, Indiana, Kentucky, Missouri and Ohio, to Cincinnati, Ohio; and (b) from points in Indiana, Kentucky and Ohio, to East St. Louis and National City, Ill., and St. Louis, Mo., under a continuing contract or contracts in (1) (a) and (b), and 2(a) and (b) above with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 139381 (Sub-No. 4), filed September 20, 1976. Applicant: SPIRIT OF '76 OVERLAND EXPRESS, INC., 4520 Evard Road, Fort Wayne, Ind. 46801. Applicant's representative: Anthony E. Young, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Specialty steel products*, from Reading, Pa. to Beaumont, Dallas, and Houston, Tex.; and Belmont, El Cajon, Mountain View and Los Angeles County, Calif., under a continuing contract or contracts with Carpenter Technology Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 139495 (Sub-No. 168), filed September 17, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from points in Oregon and Washington, to points in Connecticut, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139699 (Sub-No. 1), filed September 1, 1976. Applicant: CROSBY HEAVY DUTY WRECKER SERVICE, INC., 131 South Broadway, Green Bay, Wis. 54301. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, P.O. Box 8004, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, used, and inoperative motor vehicles, replacement vehicles and parts and equipment* for the above-described vehicles (except in driveaway service), between points in Brown, Calumet, Door, Florence, Forest, Kewaunee, Langlade, Manitowoc, Menominee, Oconto, Outagamie, Shawano, Waupaca, and Winnebago Counties, Wis., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, Wyoming, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Green Bay or Madison, Wis.

No. MC 139923 (Sub-No. 15) (Amendment), filed June 7, 1976, published in the FEDERAL REGISTER issue of July 15, 1976, and republished in part this issue. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, Okla. 74079. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. (2) *Food and food products and inedible wheat starch*, from the facilities of Far-Mar-Co., Inc., located at or near Hutchinson, Kans., to points in the United States (except Alaska, Hawaii, and Kansas). The purpose of this partial republication is to add "inedible wheat starch" to the commodity description in (2) above.

No. MC 140016 (Sub-No. 5) (Correction), filed July 27, 1976, published in the FEDERAL REGISTER issue of September 2, 1976, and republished as corrected this issue. Applicant: TRANSPORTATION SERVICES, INC., 1285 Glendale Road, Sparks, Nev. 89431. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Malt beverages and related advertising materials*, from the plantsite of Anhauser-Busch, Inc., near Fairfield, Calif., to points in Nevada on or north of U.S. Highway 6; and (b) *returned malt beverages*, on return.

NOTE.—The purpose of this republication is to correct the territorial description to read "U.S. Highway 6" in lieu of "Interstate Highway 6" which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at either Reno or Carson City, Nev.

No. MC 140134 (Sub-No. 7), filed September 2, 1976. Applicant: CALDARULO TRADING CO., a Corporation, 2840 South Ashland, Chicago, Ill. 60608. Applicant's representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, toilet articles, germicides, buffing and polishing compounds, cleaning, scouring, and washing compounds, solvents, starch, sponges, sweetening compounds, drugs, janitorial supplies*, and *advertising materials*, from Chicago, Melrose Park, and Carol Stream, Ill.; Sparks, Nev.; Glendale, Calif.; Piscataway, N.J.; Atlanta, Ga.; Dallas, Tex.; and Jacksonville, Fla., to points in the United States (except Alaska and Hawaii); (2) *Foodstuffs* (except frozen), in containers, from Chicago and Carol Stream, Ill.; Sparks, Nev., and Atlanta, Ga., to points in the United States (except Alaska and Hawaii); (3) *Aerosol products*, from Chicago, Ill.; Sparks, Nev.; Piscataway, N.J., and Atlanta, Ga., to points in the United States (except Atlaska and Hawaii); (4) *Materials, equipment, and supplies* utilized in the manufacture, distribution and sale of the commodities described in (1), (2), and (3) above, and *returned shipments* of the commodities described in (1) and (2) above, from the above-named destination points, to the named origin points; restricted in (1), (2), (3) and (4) above to the transportation of shipments originating at or destined to the facilities of Capitol Packaging Company, a wholly-owned subsidiary of Alberto-Culver Company, and (5) *Sweetening compounds*, from Morris Plain, N.J., to Sparks, Nev., Piscataway, N.J., and Atlanta, Ga.; restricted in (1), (2), (3), (4) and (5) above against the transportation of commodities in bulk, and further restricted to a transportation service to be performed, under a continuing contract, or contracts, with Capitol Packaging Company, a wholly-owned subsidiary of Alberto-Culver Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140733 (Sub-No. 4), filed September 20, 1976. Applicant: DWANE L. FORD, doing business as D & G TRUCKING, 424 Canyon, Nampa, Idaho 83651. Applicant's representative: Dwane L. Ford, P.O. Box 1724, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New or used tire castings; wheels, retreading rubber*, from points in California to points in Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise or Nampa, Idaho.

No. MC 141033 (Sub-No. 16), filed August 18, 1976. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: R. A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buffing, polishing, cleaning, scouring, washing and bleaching compounds, cooking oil and animal litter* (except commodities in bulk); and (2) *non-refrigerated foodstuffs*, when moving in mixed shipments with commodities named in (1) above, (a) from the plant sites or facilities of The Clorox Company located at Charlotte, N.C., to points in Kentucky, South Carolina, Tennessee, Virginia, and West Virginia; (b) from the plant sites or facilities of The Clorox Company located at Chicago, Ill., to points in Indiana, Iowa, Kentucky, the lower peninsula of Michigan, Missouri, and Wisconsin; (c) from the plant sites or facilities of The Clorox Company located at Houston, Tex., to points in Arkansas, Georgia, Louisiana, Mississippi, Missouri New Mexico Oklahoma and Tennessee; (d) from the plant sites or facilities of The Clorox Company located at Jersey City, N.J., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont; (e) from the plant sites or facilities of The Clorox Company located at Los Angeles, Calif. to points in Arizona, Oregon, Utah, and Washington; and (f) from the plant sites or facilities of The Clorox Company located at Oakland, Calif., to points in Colorado, Idaho, Montana, Oregon, Utah Washington, and Wyoming, restricted in parts (1) and (2) above to shipments originating at the above-named described plant sites or facilities.

NOTE.—Applicant holds contract carrier authority in MC 124796 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary the applicant requests that it be held at San Francisco or Los Angeles, Calif.

No. MC 141426 (Sub-No. 2), filed September 16, 1976. Applicant: WHEATON CARTAGE CO., Millville, N.J. 08332. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass, metal, plastic, paper, wax, and wood products, foodstuffs, antipollution and biochemical apparatus*, products used in radiological research, *organic chemistry, kits, clay, talc, feldspar, clay products, feldspar products, candles, pottery, chinaware, ceramics, gift items, materials and supplies* used in the repair and maintenance of boats, *machinery and machine parts, presses, molders, bottle coating systems, parts and accessories* for the above described commodities, and *materials, equipment and supplies* used or useful in the production, fabrication, sale, distribution, assembly, finishing, coating, pressing, maintenance, and molding of the above named commodities (except commodities in bulk, in tank vehicles), between the facilities utilized by Wheaton Industries, Dorchester Industries, Inc. and Decora, Inc., located at points in Cumberland, Ocean, Atlantic, Gloucester, Mercer, Salem, Camden and Cape May Counties, N.J., on the one hand, and on the other, points in Alabama, Georgia, Florida, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and the District of Columbia, under a continuing contract, or contracts, with Wheaton Industries, Dorchester, Industries, Inc., located in Millville, N.J., and Decora, Inc., located at Williamstown, N.J.

NOTE.—Applicant states it is under common ownership with Wheaton Industries, and in addition the three contracting shippers are all affiliated companies. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141519 (Sub-No. 4), filed September 16, 1976. Applicant: TEJAS LINES, INC., Route 2, Box 174A, Canyon, Tex. 79015. Applicant's representative: Clyde N. Christey, Suite 514, Capitol Federal Bldg., 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the facilities of Farmland Industries, Inc., at or near Farnsworth, Tex., to points in Colorado, Kansas, New Mexico and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 141688 (Sub-No. 1), filed September 13, 1976. Applicant: HENRY E. REYNOLDS, SR., doing business as HANK'S TRUCK LEASING, 1102 Huger Street, Columbia, S.C. 29201. Applicant's representative: Harry S. Dent, P.O. Drawer 175, West Columbia, S.C. 29169. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer*, (a) from Jacksonville, Fla.; Williamsburg, Va.; and Baltimore, Md.; to Anderson, Columbia, Greenville, and Spartanburg, S.C., and Asheville, N.C.; and (b) from Columbia, S.C., to Anderson, Greenville, and Spartanburg, S.C., and Asheville, N.C.; and (2) *empty beer containers* (a) from the destination points in (1)(a) above to the origin points in (1)(a) above; and (b) from the destination points in (1)(b) above to Columbia, S.C.; Jacksonville, Fla.; Williamsburg, Va.; and Baltimore, Md., under a continuing contract in (1) and (2) above with Budweiser of Columbia, Inc.; Budweiser of Anderson, Inc.; Budweiser of Greenville, Inc.; Budweiser of Spartanburg, Inc.; and Budweiser of Asheville, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbia, S.C. or Atlanta, Ga.

No. MC 141929 (Sub. No. 1), filed September 13, 1976. Applicant: L. M. BENNETT, doing business as BENNETT TRUCKING COMPANY, Route 12, Box 538, Gainesville, Ga. 30501. Applicant's representative: W. Allan Myers, 310 Brenau Avenue, Gainesville, Ga. 30501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricult u arimllie*, routes, transporting: *Agricultural lime*, in bulk, in dump vehicles, from points in Blount, Jefferson and Knox Counties, Tenn., to points in Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 141937 (Sub-No. 1), filed September 13, 1976. Applicant: RICHARD E. SPOONER, doing business as AA AUTOMOTIVE, 1408 Pittman Avenue, P.O. Box 257, Sparks, Nev. 89431. Applicant's representative: Mike Soumbeniotis, 402 No. Division, P.O. Box 646, Carson City, Nev. 89701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, impounded and repossessed motor vehicles*, with not more than two axles and not exceeding one ton loaded capacity, and *wrecked or disabled trailers*, designed to be drawn by passenger automobiles, in truckaway service, between Bishop, Calif.; points in Plumas, Sierra, Nevada, El Dorado, and Alpine Counties, Calif.; that part of Placer County, Calif., on and east of California Highway 49; that part of Lassen County, Calif., on, west, and south of a line beginning at the Sierra-Lassen County line, thence along U.S. Highway 395 to junction California County Road A-27, thence along California County Road A-27 to junction California Highway 36, thence along California Highway 36 to the Lassen-Plumas County line; and points in that part of Inyo and Mono Counties, Calif., located on U.S. Highway 395 (except points south of Bishop), on the one hand, and, on the other Reno, Nev., and points in its commerical zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Reno or Carson City, Nev.

No. MC 142050 (Sub-No. 2), filed September 20, 1976. Applicant: ROBERT S. LINK, doing business as LINK TRUCK SERVICE, Walsh, Ill. 62297. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, gravel, black-top mix*, in bulk, from points in Perry County, Mo., to points in Perry and Randolph Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 142057 (Sub-No. 2), filed September 23, 1976. Applicant: BRAXTON B. WALKER, doing business as WALKER'S EXPRESS, 4354 Twain Avenue, Suite C, San Diego, Calif. 92120. Applicant's representative: Braxton B. Walker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missiles and rockets*, between Point Mugu and San Diego, Calif., and White Sands, N. Mex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Diego, Calif.

No. MC 142064 (Sub-No. 1), filed September 13, 1976. Applicant: CAROLINA CARPET CARRIERS, INCORPORATED, U.S. Highway 29 & S.C. Highway 20, P.O. Box 6, Williamston, S.C. 29697. Applicant's representative: George W. Clapp, 109 Hartville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, carpeting, carpet tiles, carpet samples, rugs, adhesives, and materials, equipment, and supplies* used in the installation of carpets, carpeting and carpet tiles (except commodities in bulk), from the plantsites and warehouse facilities utilized by Commercial Affiliates, Inc., and its wholly-owned marketing corporations, Commercial Carpet Corp., Robertson Carpets, Inc., and Viking Carpets, Inc., located at or near Greenville, S.C., to points in that part of the United States west of Arkansas, Iowa, Louisiana, Minnesota and Missouri (except Alaska and Hawaii); and (2) *returned, rejected, and damaged commodities*, from the destination points, to the origin points as described in (1) above, under a continuing contract or contracts with Commercial Affiliates, Inc. and its wholly-owned marketing corporations, Commercial Carpet Corp., Robertson Carpets, Inc., and Viking Carpets, Inc.,

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Greenville, S.C., or Washington, D.C.

No. MC 142272 (Sub-No. 1), filed September 13, 1976. Applicant: PICKINS TRUCKING CO., INC., Route No. 1, Box 86, Livingston, Ala. 35476. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed stone and rock*, from points in Alabama, Georgia, Mississippi and Tennessee, to Alabama, Georgia and Mississippi; and (2) *coal, sand and gravel*, and *such commodities as are dealt in by suppliers of construction and landscaping materials*, between points in Alabama, Georgia and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 142281 (Sub-No. 1), filed September 20, 1976. Applicant: OCCIDENTAL COATING COMPANY, 14533 Keswick Street, Van Nuys, Calif. 91405. Applicant's representative: William J. Monheim, 15942 Whittier Boulevard, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, tansporting: (1) *Plastic coated metal conduit and fittings*, from Van Nuys, Calif., to points in the United States (except Alaska and Hawaii); (2) *return shipments* of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to Van Nuys, Calif.; and (3) *materials, equipment and supplies* used in the manufacture, sales, and distribution of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to Van Nuys, Calif., restricted in (1) through (3) above to a transportation service to be performed under a continuing contract, or contracts, with Occidental Coating Company of Van Nuys, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 142300 (Sub-No. 1) (Correction), filed August 16, 1976, published in the FEDERAL REGISTER issue of September 23, 1976, and republished as corrected this issue. Applicant: F. A. F., INC., 945 Dante Place, Jacksonville, Fla. 32207. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceuticals, drugs and related items*, uncrated, from Jacksonville, Fla., to points in Alabama, North Carolina, South Carolina, Georgia, and Tennessee, restricted to shipments weighing 35 pounds each or in the aggregate less than 500 pounds from one consignor to one consignee on any one day, under a continuing contract, or contracts, with Lawrence Pharmaceuticals, Inc.

NOTE.—The purpose of this republication is to correct applicant's restriction to read: "* * * or in the aggregate less than 500 pounds" in lieu of "* * * or in the aggregate more than 500 pounds" as previously published. If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 142352 (Sub-No. 1), filed September 16, 1976. Applicant: HAUSMAN TRUCKING, INC., 912 Cutler St., Waterloo, Iowa 50703. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Waterloo, Iowa, to points in Illinois and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 142427, filed August 23, 1976. Applicant: FRED ROGERS TRUCKING, INC., Route 2, Box 249A, Everett, Wash. 98205. Applicant's representative: Bob Gleason, 15 South Grady Way, Evergreen Bldg., Suite 217, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Clallam, Clark, Grays Harbor, King, Kitsap, Pierce, Skagit, Snohomish, and Thurston Counties, Wash., on the one hand, and, on the other, ports of entry on the International Boundary Line between the United States and Canada located at Blaine, Lynden and Sumas, Wash., restricted to traffic destined to or originating from points in the Vancouver, British Columbia, Canada area.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 142442 (Partial Correction), filed September 1, 1976, published in the FEDERAL REGISTER issue of October 7, 1976, and republished in part this issue. Applicant: CUSTOM SKIN COMPANY, 2800 North Bell Street, San Angelo, Tex. 76901. Applicant's representative: Richard Hubbert, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and skins and pieces thereof*, (2) from Brownwood, Tex., San Angelo, Tex., Denver, Colo., and Scottsbluff, Nebr., to ports of entry on the International Boundary line between the United States and Canada, located at points in Michigan and New York.

NOTE.—The purpose of this partial republication is to correct applicant's territorial description in (2) above, the rest of the publication remains the same. If a hearing is deemed necessary, the applicant requests it be held at either Austin or Dallas, Tex.

No. MC 14265 (Sub-No. 1), filed September 16, 1976. Applicant: NORTHWEST TRANSPORTATION SERVICE, INC., North 7511 Freya Street, Spokane, Wash. 99210. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail chain grocers and food business houses, restaurants, drug stores, hardware stores and bakeries (except those which by reason of size and weight require the use of special equipment and commodities in bulk), between Spokane County, Wash., on the one hand, and, on the other, points in Montana, Idaho, and Oregon, under a continuing contract, or contracts, with U. R. M. Stores, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Spokane, Wash. or Washington, D.C.

No. MC 142467, filed September 15, 1976. Applicant: HUGH A MITCHELL, doing business as MITCHELL'S SPECIAL EMERGENCY HAULING SERVICE, 1107 University, Cleveland, Miss. 38732. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Farm machinery and farm implement parts, repair parts, components, accessories, equipment and supplies;* (2) *Automobile truck and bus parts, repair parts, components, accessories, equipment and supplies;* (3) *electrical appliances, equipment and parts;* (4) *boat, watercraft and marine parts, repair parts, components, accessories, equipment and supplies;* (5) *general commodities* (except commodities in bulk, household goods as defined by the Commission and commodities which because of size, weight or value require the use of special equipment); (6) *agriculture chemicals, fertilizers, insecticides and seeds* (except in bulk), Between Shaw, Miss. and Memphis, Tenn., serving all intermediate points: From Shaw over U.S. Highway 61 to Memphis, and return over the same route, restricted in (5) above to the transportation of commodities having a prior or subsequent movement by air and which originate at or are destined to the plantsites and warehouse facilities of Travenol Laboratories, Inc. (Baxter Laboratories), located in Cleveland, Miss., and further restricted in (1) through (6) above against the transportation of shipments weighing in the aggregate more than 500 pounds from one consignor at one location to one consignee at one location on any one day.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Clarksdale, Greenville, Miss. or Memphis, Tenn.

No. MC 142470, filed September 3, 1976. Applicant: FLEET TRANSIT, INC., 811 West Street, Annapolis, Md. 21401. Applicant's representative: Marie T. Loepp, 927 15th Street, N.W., Suite 306, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, (1) from Baltimore, Md., to points in New Castle County, Del.; Anne Arundel and Baltimore Counties, Md.; Arlington County and Alexandria, Va., and the District of Columbia; and (2) from Fairfax and Newington, Va., to points in Anne Arundel and Baltimore Counties, Md.; Arlington County and Alexandria, Va., and the District of Columbia, under a continuing contract or contracts with Service Station Management Corporation.

Note.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Baltimore, Md.

Passenger Application

No. MC 103210 (Sub-No. 3), filed September 15, 1976. Applicant: SERVICE BUS CO., INC., 789 Nepperhan, Avenue, Yonkers, N.Y. 10703. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, (1) Between Port Chester, N.Y., and East Rutherford, N.J.: From Port Chester in a southerly direction over Boston Post Road to Interstate Highway 287, thence west along Interstate Highway 287 to White Plains, N.Y., thence along Westchester Avenue to Broadway, thence along Broadway to Hamilton Avenue, thence along Hamilton Avenue to Central Avenue, thence north on Central Avenue to Tarrytown Road, thence along Tarrytown Road to Interstate Highway 287, thence west on Interstate Highway 287 to junction Interstate Highway 87, thence south on Interstate Highway 87 to McLean Avenue in Yonkers, N.Y., thence over McLean Avenue to Interstate Highway 87, thence along Interstate Highway 87 to Interstate Highway 95, thence west on Interstate Highway 95 to East Rutherford (Meadowland), Pa., and return over the same route; and (2) Between Yonkers, N.Y., and Bridgeport, Conn.: From Yonkers over Central Avenue to Interstate Highway 87, thence over Interstate Highway 87 to junction Interstate Highway 287, thence east over Interstate Highway 287 to White Plains, N.Y., thence south over New York Highway 100A to Tarrytown Road, thence east on Tarrytown Road to Central Avenue, thence along Central Avenue to Main Street, thence east on Main Street to Broadway, thence south on Broadway to So. Armory Place, thence east on So. Armory Place to Westchester Avenue, thence along Westchester Avenue to Interstate Highway 287, thence over Interstate Highway 287 to Port Chester, N.Y., thence over Boston Post Road to Interstate Highway 287, thence over Interstate Highway 287 to junction Interstate Highway 95, thence east over Interstate Highway 95 to Bridgeport, Conn., and return over the same route.

Note.—If a hearing is deemed necessary, the applicant requests it be held at either White Plains or New York, N.Y.

Broker Applications

No. MC 130404, filed August 19, 1976. Applicant: KHG DEVELOPMENT CORPORATION, RFD No. 1, Coshocton, Ohio 43844. Applicant's representative: Philip K. Brown, RFD No. 3, Warsaw, Ohio 43844. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Coshocton, Ohio, to sell or offer to sell the transportation of *passengers and their baggage*, in all expense round-trip tours, in special and charter operations by motor carriers, beginning and ending at points in Knox and Holmes Counties, Ohio and extending to points in the United States (except Hawaii).

Note.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Cleveland, or Cincinnati, Ohio.

No. MC 130412, filed September 1, 1976. Applicant: THE FREIGHT EXCHANGE, INCORPORATED, 4000 Bethel Avenue, Indianapolis, Ind. 46203. Applicants' representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Indianapolis, Ind., to sell or offer to sell the transportation of *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), by motor carriers, between points in Indiana.

Note.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 130414, filed September 23, 1976. Applicant: DFW TRANSPORT, LTD., 2638 Redwood, Anchorage, Alaska 99504. Applicant's representative: Douglas Bailey, 429 D Street, Anchorage, Alaska 99501, Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Anchorage, Alaska, to render service as a motor, rail, water, and air carrier, to sell or offer to sell the transportation of *General commodities* (1) between points in Alaska; and (2) between points in Alaska, on the one hand, and, on the other, points in the United States including Hawaii but excluding Alaska.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Anchorage, Alaska, or Seattle, Wash.

Freight Forwarder Applications

No. FF 220 (Sub-No. 2), filed September 20, 1976. Applicant: RIVER FORWARDERS, INC., One Oliver Plaza, Pittsburgh, Pa. 15222. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by water, in the transportation of *General commodities*, between points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill., or New Orleans, La.

No. FF 326 (Sub-No. 2), filed September 29, 1976. Applicant: ATLAS VAN LINES INTERNATIONAL CORP., 1212 St. George Road, P.O. Box 509, Evansville, Ind. 47703. Applicant's representative: Herbert Burstein, 1 World Trade Center, New York, N.Y. 10048. Applicant hereby applies for authority to engage in operation in interstate commerce as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States, including Hawaii and Alaska, restricted in (b) above to transportation of export and import traffic.

Note.—Applicant states that the purpose of this application is to add Alaska to its present authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. FF 487, filed September 13, 1976. Applicant: STEVENS FORWARDERS, INC., 121 So. Niagara Street, Saginaw, Mich. 48602. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, water, and express, in the transportation of (a) *used household goods and unaccompanied baggage; and* (b) *used automobiles*, between points in the United States, including Hawaii, but excluding Alaska, restricted in (b) above to the transportation of export-import traffic.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. FF-488, filed September 17, 1976. Applicant: RETAIL MERCHANTS CONSOLIDATION & DISTRIBUTION CENTER, INC., 3275 Alum Creek Drive, Columbus, Ohio 43216. Applicant's representative: Stanley I. Goldman, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad and motor vehicle, in the transportation of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, motor vehicles, commodities in bulk, and commodities requiring special equipment), from Columbus, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania and West Virginia.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission on or before November 22, 1976. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC–F–12936. (Supplemental) (UNZICKER TRUCKING, INC.—PURCHASE—CHIPPER CARTAGE COMPANY, INC.), originally published in the August 26, 1976 issue of the Federal Register on page 177. This supplemental notice reflects certain authority proposed to be purchased, which was not noted in the prior notice. The additional authority proposed to be acquired is as follows: Irregular routes—*Garment hangers, dry cleaners and laundry supplies, fly swatters, springs and related wire products* (except commodities in bulk), from the plant site of Laidlaw Corp., at Monticello, Wis., to points in Minnesota, Iowa, Illinois, Indiana, Ohio, and Michigan, with no transportation for compensation on return except as otherwise authorized; from the plant site of Laidlaw Corp. at Peoria, Ill., to the plant site of Laidlaw Corp., at Monticello, Wis., with no transportation for compensation on return except as otherwise authorized.

No. MC–F–12956. (Correction) (ARKANSAS-BEST FREIGHT SYSTEM, INC.—PURCHASE (PORTION)—ASSOCIATED TRANSPORTS, INC.), published in the September 16, 1976 issue of the Federal Register on pages 39877–39881. Prior notice on page 39879 should have included as follows: Between Boston, Mass., and Greenwich, Conn.; service is authorized to and from the off-route points of Allington, Black Hall, Center Roton, Chesterfield, Devon, East Norwalk, Easton, East Port Chester, Glenbrook, Glenville, Greens Farms, Grove Beach, Killingworth, Long Ridge, Lyme, New Canaan, Niantic, Noank, North Branford, North Guilford, North Stamford, Old Greenwich, Old Mystic, Orange, Pine Orchard, Riverside, Sachem Head, Savin Rock, Saybrook Point, Short Beach, South Lyme, Stony Creek, Waterford, West Haven, and Woodmont, Conn., and points in Connecticut within ten miles of New Haven, Conn.; Attleboro, Attleboro Falls, Beachmont, Brookline, Cambridgeport, Canton, Cliftonville, Cushing, Dedham, Dover, East Cambridge, East Everett, East Somerville, East Walpole, Edgeworth, Everett, Fairmont, Hebronville, Highlands, Medfield, Medfield Junction, Melrose, Newton Center, Newton Highlands, Newton Upper Falls, Newtonville, Norfolk Downs, North Cambridge, North Somerville, North Waltham, Norwood, Plainville, Reservoir, Riverside, Saugus, Sharon, South Walpole, Waban, Walpole, Watertown, Waverley, West Cambridge, West Everett, West Mansfield, West Medford, West Newton, West Somerville, West Watertown, Westwood, Winter Hill, Winthrop, Wollaston, and Woodland, Mass., and points in Massachusetts within 20 miles of Boston, Mass.; and Alton, Arkwright, Artic, Bellefonte, Bradford, Carolina, Coventry, Crompton, Darlington, Edgewood, Greene, Hope, Kenyon, Lincoln Park, Natick, Norwood, Oakland, Peace Dale, Phenix, Phillipsdale, Reverpoint, Shannock, Wakefield, Warwick, Watch Hill, Wickford, Wood Lake, and Woodville, R.I., and points in the Town of Burrellville, R.I., and those within 15 miles of Providence, R.I.: Between Boston, Mass., and Albany, N.Y.: service is authorized to and from the off-route points of Armory, Auburndale, Bancroft, Belmont, Charlton, Charlton Depot, Chester Center, Holden, Holland, Hudson, Lenox Dale, Middlefield, Milbraham, Millbury, Monson, North Chester, Rochdale, South Lincoln, State Line, Thorndike, Three Rivers, Warren, and West Warren, Mass., and points within 20 miles of Springfield, Mass., those within ten miles of Worcester, Mass., those within ten miles of Pittsfield, Mass., and those within ten miles of Albany, N.Y.: between Norwalk, Conn., and Williamstown, Mass.: service is authorized to and from the off-route points of Amenia Union, Bridgewater, Brookfield Center, Centerville, Goshen, Marble Dale, New Fairfield, New Preston, Northville, North Wilton, Redding Ridge, Ridgefield, Sherman, South Norfolk, Warren, West Goshen and Weston, Conn., and Alford, Hancock, Housatonic, Interlaken, New Lenox, North Egremont, Richmond, South Egremont, and Washington, Mass.

No. MC–F–12984. (Correction) (OVERNITE TRANSPORTATION COMPANY—PURCHASE—POINT EXPRESS), published in the September 30, 1976 issue of the Federal Register. Prior notice should include the name of JOHN S. FESSENDEN, Suite 1301, 1600 Wilson Boulevard, Arlington, Va., 22209, attorney for POINT EXPRESS. Also the route shown on page 43282 between West Biberty, Ky., and Huntington, W. Va., the off route of "Wringley, Ky." should be "Wrigley, Ky.".

No. MC F–12987. Authority sought for merger by B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055, of the operating rights and properties of (B) SERVICE MOTOR FREIGHT, INC., 133 East Atlantic Avenue, Lawnside, N.J. 08045 and (BB) HARRY A. BLADES, INC., 140 Everett Avenue, Newark, OH 43055, and for acquisition by THE CAPITOL CORPORATION, 140 Everett Avenue, Newark, OH 43055, of control of such rights through the transaction. Applicants' attorney: A. Charles Tell, George, Greek, King, McMahon & McConnaughey, 100 East Broad Street, Suite 1800, Columbus, OH 43215. Operating rights and properties sought to be merged: (B) *Building materials* (except lumber, structural steel, and hardware), as a *common carrier* between Chester, Pa., on the one hand, and, on the other, points in Baltimore, Baltimore City, Harford, Cecil, and Prince Georges Counties, Md., Kent and New Castle Counties, Del., Kings, Queens, Richmond, Bronx, New York and Westchester Counties, N.Y., and those in New Jersey and the District of Columbia; between Philadelphia, Pa., and Camden, N.J., on the one hand, and, on the other, Baltimore, Md., points in New Jersey, the District of Columbia, those in Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, and Philadelphia Counties, Pa., Kent and New Castle Counties, Del., Baltimore, Cecil, Harford, and Prince Georges Counties, Md., and Bronx, New York, Kings, Queens, Richmond, and Westchester Counties, N.Y.; *Fiberglas materials and products* including *fibrous glass mineral wool products* and *fibrous glass textile materials and products*, and *plastic materials and products*, (except liquid commodities, in bulk, in tank vehicles), between Barrington, N.J., on the one hand, and, on the other, points in Georgia, Illinois, Indiana, Kentucky, Maine, New Hampshire, North Carolina, Ohio, South Carolina, Tennessee, West Virginia, Vermont, the Lower Peninsula of Michigan, that part of Pennsylvania west of Fulton, Huntingdon, Blair, Centre, Clinton, and Potter Counties, Pa., and that part of New York west or north of Chemung, Tompkins, Cayuga, Oswego, Oneida, Herkimer, Hamilton, Warren, and Washington Counties, N.Y.; *Fiberglas materials* and *fiberglas products, fibrous glass mineral wool products, fibrous glass textile materials*, and *plastic products* (except liquid commodities, in bulk, in tank vehicles), from Barrington, N.J., to points in Virginia, Maryland, Massachusetts, Connecticut, Rhode Island, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized; *Fibrous glass textile materials and fibrous glass materials products*, and *plastic materials and plastic products* (except liquid commodities, in tank vehicles), from Ashton, R.I., and Huntingdon, Pa., to Barrington, N.J., with no transportation for compensation on return except as otherwise authorized.

Equipment, materials, and supplies used in the installation and erection of fiberglas materials and products, fibrous glass mineral wool products, fibrous glass textile materials and products, and plastic material and products, from Barrington, N.J., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, the Lower Peninsula of Michigan, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, with restriction; *Pulpboard, fibreboard boxes, paper and paper products* (except printing and fine papers), from Spotswood, N.J., to points in New York, New Jersey, New Hampshire, Pennsylvania, Rhode Island, Massachusetts, Maine (except Aroostook County), Maryland, Delaware, Vermont, Connecticut, Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized; *Precast concrete products* except commodities the transportation of which, because of size or weight, require the use of special equipment from the Camden Architectural Cast Stone Co., Inc., plant site about 12 miles south of Camden, N.J. (3 miles west of North-South Freeway), to points in Connecticut, Delaware, Maryland, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized; *Corrugated paper, corrugated paper products*, and commodities used in the manufacture thereof (except in bulk), and *scrap paper* and *waste paper*, between Tallman, N.Y., on the one hand, and, on the other, points in Pennsylvania, Vermont, Massachusetts, Connecticut, New Jersey, Rhode Island, Maryland, and Delaware; *Paper products*, from the Parkway Industrial Center in Anne Arundel County, Md., to points in Delaware, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized; *Paper* and *paper products*, from Whippany, N.J., to points in Connecticut, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, and Rhode Island; and *Material and supplies* (except commodities in bulk) used in the manufacture of paper and paper products, from points in Connecticut, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, and Rhode Island, to Whippany, N.J., with restrictions.

Fiberglas materials and fiberglas products, fibrous glass, mineral wool products, fibrous glass textile products, plastic materials, and *plastic* products (except blastic bottles), from the plant site of Owens-Corning Fiberglas Corporation, at or near Selkirk, in the Town of Bethlehem, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except at otherwise authorized; *Paper products*, from the Parkway Industrial Center in Anne Arundel County, Md., to points in West Virginia, with no transportation for compensation on return except as otherwise authorized. (BB) *Coffee beans*, over regular routes from New York, N.Y., to Lancaster, Pa., serving no intermediate points; *Chocolate and chocolate products*, and commodities used or useful in the manufacture, distribution, and advertising of chocolate and chocolate products, between Hershey, Pa., and New York, N.Y., serving no intermediate points; *paper* and *paper products* over irregular routes from Philadelphia, Pa., to Bridgeport, Danbury, and Waterbury, Conn., Springfield, Mass., points in New Jersey, Maryland, Delaware, the District of Columbia, and that part of New York in the New York, N.Y., Commercial Zone, as defined by the Commission; Potato chips, in boxes, when moving from, to or between the plants or retail or wholesale outlets of manufacturers or distributors or bakery products, from New York, N.Y., to Albany, Kingston, Middletown, Newburgh, Poughkeepsie, Schenectady, and Troy, N.Y., Allentown, Forty Fort, Harrisburg, Philadelphia, Pottsville, Reading, Lancaster, Scranton, and York, Pa., Asbury Park, Atlantic City, Dunellen, Phillipsburg, and Trenton, N.J., Baltimore, Hagerstown, and Salisbury, Md., Wilmington, Del., and the District of Columbia, with no transportation for compensation on return except as otherwise authorized; *Bakery products* (including flour, cereals and dog biscuits), *car bracing material*, and *machinery, materials supplies, and equipment* (including office furniture and supplies) used in or incidental to the production, packing, and sale of bakery products, between New York, N.Y., on the one hand, and, on the other, Albany, Kingston, Middletown, Newburgh, Poughkeepsie, Schenectady, and Troy, N.Y., Allentown, Forty Fort, Harrisburg, Philadelphia, Pottsville, Reading, Lancaster, Scranton, and York, Pa., Asbury Park, Atlantic City, Phillipsburg, and Trenton, N.J., Baltimore, Hagerstown, and Salisbury, Md., Wilmington, Del., and Washington, D.C.; between Philadelphia, Pa., on the one hand, and, on the other, Atlantic City, Phillipsburg, and Trenton, N.J., Wilmington, Del., and Washington, D.C.; Between York, Pa., on the one hand, and, on the other, Baltimore, Md., Phillipsburg, N.J., and Washington, D.C.

Paper and paper articles (including paper boxes and advertising matter), Between Beacon, N.Y., on the one hand, and, on the other, Baltimore, Md., Jersey City and Newark, N.J., and Philadelphia, and York, Pa.; Between Garfield, N.J., on the one hand, and, on the other, Baltimore, Md., Beacon and New York, N.Y., and Philadelphia and York, Pa.; Between Milford, N.J., on the one hand, and, on the other, New York, N.Y., and Philadelphia, and York, Pa.; *Chocolate, chocolate coating cocoa*, and *confectionery*, From Hershey, and Elizabethtown, Pa., to New York, N.Y., and Newark, N.J., with no transportation for compensation on return except as otherwise authorized; *Paper and paper products*, from York, Pa., to points in that part of West Virginia on and east of West Virginia Highway 28 and on and north of U.S. Highway 50, and points in Maryland; *Wastepaper, machinery and machinery parts*, and *supplies*, used in the manufacture of paper and paper products, from points in the immediately above-specified destination territory, to York, Pa.; *Paper and paper products* not including paper roofing and paper sheathing in rolls, from York, Pa., to points in New Jersey, and points in that part of New York on and south of New York, Highway 7, and on and east of New York Highway 30; and *Wastepaper, Machinery and machinery parts, and* supplies, used in the manufacture of paper and paper products, not including machinery and machinery parts, and supplies used in the manufacture of paper roofing, from points in New Jersey, and points in that part of New York on and south of New York Highway 7 and on and east of New York Highway 30, to York, Pa., with restriction; *Bakery products, and supplies* used in or in connection with the sale of bakery products, when moving from, to, or between the plants or retail or wholesale outlets of manufacturers or distributors of bakery products, between New York, N.Y., and Dunellen, N.J.;

Asphalt, in containers, *asphalt shingles*, in bundles, *paper roofing and paper sheathing* in rolls, *roofing cement*, and *machinery and materials* used in the manufacture of such commodities, from York, Pa., to Baltimore, Md., Fort Humphreys, Va., and points in New York and New Jersey; and *Machinery and machinery parts and supplies*, used or useful in the manufacture or roofing, from Baltimore, Md., and points in New York and New Jersey to York, Pa., with restrictions: *Pulpboard boxes*, other than corrugated, knocked down, from Port Providence, Pa., to New York, N.Y., with no transportation for compensation on return except as otherwise authorized with restriction; *Bakery products, flour, cereals, dog biscuits, potato chips, carbracing material and machinery, supplies and equipment* used in or incidental to the production, packing and sale of bakery products, between the site of National Biscuit Company plant, at Fair Lawn, N.J., on the one hand, and, on the other, Albany, Kingston, Middletown, Beacon, Newburgh, Poughkeepsie, Schnectady, Troy, and New York, N.Y., Allentown, Forty Fort, Harrisburg, Philadelphia, Pottsville, Reading, Port Providence, Lancaster, Hershey, Elizabethtown, Scranton, and York, Pa., Baltimore, Hagerstown and Salisbury, Md., Wilmington, Del., and the District of Columbia; *Bakery products, flour, cereals, dog biscuits, car-bracing Materials, and machinery materials, supplies and equipment* used in the production, packing and sale of bakery products (except liquid commodities in bulk, in tank vehicles), between Montgomery, N.Y., on the one hand, and, on the other, New York, N.Y., and Fair Lawn, N.J.; *Pretzels*, over irregular routes from York, Pa., to Belleville, Dunellen, Jersey City, Orange, Patterson, and Livingston, N.J., with no transportation for compensation on return except as otherwise authorized; Bakery products, from Sayreville, N.J., to Albany and Newburgh, N.Y., and Allentown, Pa., with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in All the States in the United States including District of Columbia, but excluding Alaska and Hawaii. Application has not been filed for temporary authority under Section 210a(b).

NOTE.—Service Motor Freight, Inc., is commonly controlled with transferee B & L Motor Freight, Inc. and with Harry A. Blades, Inc. The capital stock of all three companies is owned by the Capitol Corporation.

No. MC–F–12989. Authority sought for purchase by FAST FREIGHT SYSTEMS, INC., 118 N. Congress Street, Jackson, MS., 39205, of a portion of the operating rights of DIRECT TRANSIT LINES, INC., 200 Colrain, Grand Rapids, MI., 49508, and for acquisition by DIRECT TRANSIT LINES, INC., LOUIS CAIN, and BRUCE GLUPKER, of control of such rights through the purchase. Applicants' attorney: Martin J. Leavitt, P.O. Box 400, Northville, MI., 48167. Operating rights sought to be transferred: *Composition board*, as a *common carrier* over irregular routes from the facilities of the Champion International Corporation at or near Oxford, Mass., to points in Illinois, Iowa, Michigan, Ohio, and Wisconsin, with no transportation for compensation on return except as otherwise authorized, with restrictions; *clay and clay products* except in bulk, from Ripley, Miss., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin, with no transportation for compensation on return, except as otherwise authorized, with restrictions. Vendee has no authority from this Commission. However, FAST FREIGHT SYSTEMS, INC. (Vendee), and DIRECT TRANSIT LINES, INC. (Vendor) are controlled by the same persons. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12991. Authority sought for purchase by SYSTEM 99, 8201 Edgewater Drive, Oakland, CA., 94621, of a portion of the operating rights of COMPTON TRANSFER & STORAGE CO., 333 North Ninth Street, Boise, Idaho, 83701, and for acquisition by M. D. GILARDY, L. A. DORE', JR., and E. R. PRESTON, all of 8201 Edgewater Drive, Oakland, CA., of control of such rights through the purchase. Applicants' attorneys: Martin J. Rosen, 256 Montgomery Street, San Francisco, CA., 94104 and J. Roger Compton, 333 North Ninth Street, Boise, Idaho, 83701. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes between points within 150 miles of Boise, Idaho, in Idaho, Oregon and Nevada. Vendee is authorized to operate as a common carrier in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12992. Authority sought for purchase by SHARKEY TRANSPORTATION, INC., P.O. Box 546, Quincy, IL., 62301, of a portion of the operating rights of RALPH H. BOELK, d.b.a. R. H. BOELK TRUCK LINES, Route Number 2, Mendota, IL., 61342, and for acquisition by ALBERT W. SHARKEY, Number 4 Valley View Drive, Burlington, IA., 52601, of control of such rights through the purchase. Applicants' attorney: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL., 60601. Operating rights sought to be transferred: *Storage racks and storage rack parts* as a *common carrier* over irregular routes from the facilities of Speedrack, Inc., at Quincy and Rock Island, Illinois, to points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at such facilities. Vendee is authorized to operate as a *common carrier* in Illinois, Missouri, Iowa, and Wisconsin, and as a *contract carrier* in Wisconsin, Illinois, Iowa, Kentucky, Indiana, Tennessee, and Alabama. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12993. Authority sought for purchase by UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, South Dakota 57701, of the operating rights of D & J TRANSPORT, INC., P.O. Box 872, Tioga, NC 57752, and for acquisition by C. W. BURNETTE, Box 100, Newcastle, WY 82701, ELDON JOHNSTON, Wheatland, WY 82201, CHARLES LIEN, and BRUCE LIEN, both of Box 3124, Rapid City, SD 57701, of control of such rights through the purchase. Applicants' attorneys: Truman A. Stockton, Jr., and John H. Lewis, The 1650 Grant St., Bldg., Denver, CO., 80203. Operating rights sought to be transferred: *Salt and salt products*, as a *common carrier*, over irregular routes from the facilities of Hardy Salt Co., near Williston, North Dakota, to points in Montana, South Dakota and Wyoming, with no transportation for compensation on return except as otherwise authorized; salt, in bulk, from the facilities of Hardy Salt Co., near Williston, North Dakota, to points in Minnesota, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12994. Authority sought for purchase by HARPER TRUCK SERVICE, INC., 1266 North Eight St., Paducah, KY., 42001, of a portion of the operating rights of F & W EXPRESS, INC., P.O. Box 2213, Memphis, TN., 38101, and for acquisition by DUDLEY HARPER, 1266 N. Eight St., Paducah, KY., 42001, of control of such rights through the purchase. Applicant's attorney: Robert M. Pearce, P.O. Box 1111, Bowling Green, KY., 42101. Operating rights sought to be transferred: General commodities, except those of unusual value, Class A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes between Memphis, Tennessee, and Dyersburg, Tennessee, serving all intermediate points, and the off-route point of Munford, Tennessee; from Memphis, over U.S. Highway 51 to Dyersburg, and return over the same route. Vendee is authorized to operate as a *common carrier* in Kentucky, Illinois, Indiana, Missouri, Tennessee, Arkansas, and Mississippi. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12996. Authority sought for purchase by BARNETT ELDRIDGE, deceased, dba ELDRIDGE TRUCK LINE, WAYNE ELDRIDGE EXECUTOR, N. Highway 27, P.O. Box 659, Somerset, Ky. 42501, of a portion of the operating rights of POINT EXPRESS, INC., 440 Greenlawn Ave., Columbus, Ohio 43216, and for acquisition by WAYNE ELDRIDGE, EXECUTOR, N. Highway 27, Somerset, Ky. 42501, of control of such rights through the purchase. Applicants' attorneys: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101, and John S. Fessenden, Suite 1301, 1600 Wilson Blvd., Arlington, Va. 22209. Operating rights sought to be transferred: *General commodities* with exceptions as a *common carrier* over regular routes between Cincinnati, Ohio, and Morehead, Ky., serving intermediate and off-route points in the Cincinnati, Ohio, Commercial Zone as defined by the Commission, from Cincinnati over U.S. Highway 52 to Aberdeen, Ohio, thence over U.S. Highway 62 to Maysville, Ky., thence over Kentucky Highway 11 to Flemingsburg, Ky., and thence over Kentucky Highway 32 to Morehead, Ky., and return over the same route; between Cincinnati, Ohio, and Lexington, Ky., in connection with carrier's authorized regular-route operations, serving no intermediate points, from Cincinnai over U.S. Highway 25 (also over Interstate Highway 75) to Lexington, and return over the same route. Vendee is authorized to operate as a common carrier in Indiana, Kentucky, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–98776 (Sub-No. 5), is a directly related matter.

No. MC–F–12997. Authority sought for purchase by GENERAL HIGHWAY EXPRESS, INC., P.O. Box 727, Sidney, Ohio, 45365, of a portion of the operating rights of POINT EXPRESS, INC., 440 Greenlawn Avenue, P.O. Box 418, Columbus, Ohio 43216, and for acquisition by PAUL B. LONG JR., P.O. Box 727, Sidney, Ohio 45365, of control of such rights through the purchase. Applicants' attorneys: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215, and John S. Fessenden, Suite 1301, 1600 Wilson Blvd., Arlington, Va. 22209. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Ashland, Ky., and Maysville, Ky., serving all intermediate points, between Lexington, Ky., and Maysville, Ky., serving all intermediate points between Maysville and Paris, Ky. (except Washington and Paris, Ky., and points in their commercial zones), and serving Maysville for the purpose of joinder only, with restrictions. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Maine. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-12990. Authority sought for purchase by **CENTRAL TEXAS BUS LINES, INC.**, 320 South 16th St., Waco, Tex., of a portion of the operating rights of **TEXAS BUS LINES**, P.O. Box 418, Galveston, Tex. 77550, and for acquisition by **CLAUD KINCANNON, JR.**, 320 South 16th St., Waco, Tex. 76703, of control of such rights through the purchase. Applicants' attorney: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Operating rights sought to be transferred: *Passengers and their baggage, and express and newspapers,* in the same vehicle with passengers, as a *common carrier* over regular routes between Waco, Tex., and Tyler, Tex., serving all intermediate points: from Waco over U.S. Highway 84 to junction Texas Highway 31, thence over Texas Highway 31 via Dawson and Corsicana, Tex., to Tyler, Tex., and return over the same route. Vendee is authorized to operate as a *common carrier* in Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12995. Authority sought for purchase by **BOULEVARD TRANSIT LINES INC.**, 53 Kennedy Boulevard, Bayonne, N.J. 07002, of a portion of the operating rights of **THE HUDSON BUS TRANSPORTATION CO., INC.**, 437 Tonnele Avenue, Jersey City, N.J. 07306, and for acquisition by **MORRIS DROGIN** and **HERMAN DROGIN**, both of Bayonne, N.J., 07002 address, of control of such rights through the purchase. Applicants' attorneys: Edward F. Bowes, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006, and W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Operating rights sought to be transferred: *Passengers and their baggage,* as a *common carrier* over regular routes between the junction of Merritt and Ocean Avenue and the junction of Palisade Avenue and Paterson Plank Road, Jersey City, N.J., serving all intermediate points: from junction Merritt and Ocean Avenues in southern Jersey City over Ocean Avenue to junction Grand Street, thence over Grand Street to junction Arlington Avenue, thence over Arlington Avenue to junction Communipaw Avenue, thence over Communipaw Avenue to junction Park Street, thence over Park Street to junction Astor Place, thence over Astor Place to junction Summit Avenue, thence over Summit Avenue to junction Baldwin Avenue, thence over Baldwin Avenue to junction Beacon Avenue, thence over Beacon Avenue to junction Palisade Avenue, thence over Palisade Avenue to junction Paterson Plank Road and return over the same route, between Jersey City, N.J. and Bayonne, N.J., serving all intermediate points, restricted against service at points north of Underwood Plance and west of Palisade Ave., from Jersey City over city streets to Bayonne, N.J., and return over the same route, between the intersection of Paterson Plank Road and Palisade Avenue in Jersey City, N.J. and Manhattan, New York, N.Y., from the intersection of Paterson Plank Road and Palisade Avenue in Jersey City, N.J., over Paterson Plank Road to junction of Manhattan Viaduct, thence over Manhattan Viaduct in Union City, N.J., to junction of 14th Street Viaduct, thence over the 14th Street Viaduct and Willow and Park Avenues through the Lincoln Tunnel to Manhattan, New York, N.Y., and return over the same route. Service is not authorized to or from intermediate points. Vendee is authorized to operate as a *common carrier* in New York, and New Jersey. Application has been filed for temporary authority under section 210a(b).

KYLE RAILWAYS, INC., World Trade Center, Room 205, City and County of San Francisco, California 94111, represented by Messrs. Cameron Baker and Philip W. Boesche, Pettit, Evers & Martin, 600 Montgomery Street, 21st floor, San Francisco, California 94111 hereby give notice that on the 27th day of September, 1976, it filed with the Interstate Commerce Commission at Washington, D.C. an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of control by Applicant through ownership of stock of two carriers by rail, Port Railroads, Inc., and Yreka Western Railroad Company, and a third corporation, Mendocino Coast Railway, Inc., which application is assigned Finance Docket No. 28303.

Port Railroads is a common carrier by rail in interstate or foreign commerce through its control of San Francisco Belt Railroad pursuant to authortiy granted by the Commission in Finance Docket No. 27758 on January 24, 1975.

Yreka Western is a common carrier by rail subject to Part I of the Act holding a Certificate of Public Convenience and Necessity from the Commission to operate as such.

Mendocino Railway is not currently a carrier subject to the Act. Pursuant to an application filed with the Commission on August 17, 1976, in Finance Docket No. 28256, Mendocino Railway has requested the Commission's approval of a lease agreement with California Western Railroad Company, a California corporation and a wholly-owned subsidiary of Georgia Pacific Corporation, and a common carrier by rail subject to Part I of the Act. Pursuant to said lease agreement, Mendocino Railway proposes to acquire operating control of California Western for an initial period of eighteen months.

The proposed transaction involves the acquisition of control by Applicant of Port Railroads, Yreka Western, and Mendocino Railway through ownership of all of the issued and outstanding shares of stock of said corporations. Applicant will act as a holding company after issuing its stock to (i) Willis B. Kyle in exchange for his shares of Port Railroads and Yreka Western; (ii) to the three minority shareholders of Yreka Western, Stuart D. Kyle, Laurie J. Kyle and Lynn T. Cecil, and (iii) to Willis B. Kyle and Lois M. Kyle as joint tenants for their shares of Mendocino Railway. No change of actual control of said corporations will result from the proposed transaction.

Willis B. Kyle presently owns all of the stock of Kyle Railways, Inc., which in turn owns the stock of Bellefonte Central Railroad Company a carrier by rail which operates approximately 4.8 miles of track in Pennsylvania. Port Railroads, Inc., through management contract, controls the San Francisco Belt Railroad, a carrier by rail, which operates approximately 55.75 miles of switching track located within San Francisco, California. Yreka Western Railroad Company is a carrier by rail which operates approximately 6.8 miles of track between Yreka, California, and Montague, California. Mendocino Coast Railway, Inc., has filed an application to acquire operating control of California Western Railroad which is a carrier by railroad and which operates approximately 35 miles of track between Fort Bragg, California, and Willitts, California.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969,* 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra,* at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, and the aforementioned counsel for applicant, on or before December 6, 1976; that such comments shall be served upon (a) Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, 400 Seventh Street, S.W., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitons for inclusion in the transaction, shall be filed with the Commission and furnished to the Docket Clerk, Secretary of Transportation, on or before January 19, 1976.

KYLE RAILWAYS, INC.

MOTOR CARRIER INTRASTATE APPLICATIONS

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Nebraska Docket No. M-11344 (Sub-No. 3), filed October 1, 1976. Applicant: DUANE L. HOBSCHEIDT, doing business as N & W TRANSFER, P.O. Box 188, Nehawka, Nebr. 68413. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except those requiring special equipment), (A) REGULAR ROUTES, (1) between Weeping Water, Nebr., and Auburn, Nebr.: (a) From Weeping Water, Nebr. over Nebraska Highway 50A to the junction of U.S. Highway 34, thence over U.S. Highway 34 to the junction of Nebraska Highway 50, thence over Nebraska Highway 50 to Syracuse, Nebr., thence over Nebraska Highway 2 to Nebraska City, Nebr., thence over U.S. Highway 75 to Auburn, Nebr., and return over the same route, serving all intermediate points and the off-route points of Avoca, Cook, Nehawka, Palmyra, Talmadge, and Undailla, Nebr. (b) from Weeping Water, Nebr. over Nebraska Highway 50A to the junction of U.S. Highway 34, thence over U.S. Highway 34 to the junction of Nebraska Highway 50, thence over Nebraska Highway 50 to the junction of U.S. Highway 136, thence over U.S. Highway 136 to Tecumseh and Auburn, Nebr., and return over the same route, (c) from Weeping Water, Nebr. over Nebraska Highway 50A to the junction of U.S. Highway 34, thence over U.S. Highway 34 to the junction of U.S. Highway 77, thence over U.S. Highway 77 to the junction of Nebraska Highway 2, thence over Nebraska Highway 2 to the junction of U.S. Highway 75, thence over U.S. Highway 75 to Auburn, Nebr., and return over the same route, (2) Between Omaha, Nebr. and Nebraska City, Nebr.: From Omaha, Nebr. over U.S. Highway 75 to Nebraska City, Nebr. and return over the same route, as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular-route authorities serving no intermediate points, (3) between Omaha, Nebr. and Lincoln, Nebr.: From Omaha, Nebr. over Interstate Highway 80 to Lincoln, Nebr. and return over the same route, as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular-route operations serving no intermediate points; and (B) IRREGULAR ROUTE, between points within 50 miles of Weeping Water, Nebr. and between points within said radial area on the one hand, and, on the other, all points in Nebraska. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Nebraska Public Service Commission, 1342 "M" Street, Lincoln, Nebr. 68508 and should not be directed to the Interstate Commerce Commission.

By the Commission

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30830 Filed 10-20-76;8:45 am]

[Notice No. 174]

ASSIGNMENT OF HEARINGS

OCTOBER 18, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 135732 (Sub 23), Aubrey Freight Lines, Inc., application dismissed.

MC 139615 (Sub 4), D.R.S. Transport, Inc., application dismissed.

MC 135811 (Sub-No. 9), Gardner Trucking Co., Inc., now being assigned January 17, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136277 (Sub 3), Priority Freight Systems, Inc. now assigned November 2, 1976 at Columbus, Ohio is cancelled and transferred to Modified Procedure.

MC 59856 (Sub-No. 67), Salt Creek Freightways, now assigned November 8, 1976, at Helena, Mont. will be held in Room 413, 4th Floor, Capitol Building.

MC 141533 (Sub-No. 4), Lyn Transport, Inc., now assigned November 8, 1976, at New York, N.Y. will be held in Room 238, Court Room "A", Court of Claims, 26 Federal Plaza. MC-FC-74866, Stadium Transportation Co., Inc., Manville, New Jersey, Transferee and Sisser Bros., Inc., New Brunswick, New Jersey, Transferor, now assigned November 18, 1976, at Philadelphia, Pa. will be held in Room 3240, William J. Green, Jr. Federal Building, 600 Arch Street.

MC-FC-75923, Edward D. Pohutsky, DBA Pohutsky Movers, Eynon, Pennsylvania, Transferee Stadium Transportation Co., Inc., Manville, New Jersey, Transferor, now assigned November 18, 1976, at Philadelphia, Pa. will be held in Room 3240, William J. Green, Jr. Federal Building, 600 Arch Street.

MC 117831 (Sub-No. 4), S. Siskind & Sons, Inc., now assigned November 15, 1976, at New York, N.Y. will be held in Room 238 Court Room "A", 26 Federal Plaza.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30947 Filed 10-20-76;8:45 a.m.]

[Notice No. 50]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before November 22, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representatives is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76657, filed July 13, 1976. Transferee: A. DUIE PYLE, INC. (incorporated 1976), 200 Garfield Avenue, West Chester, Pa. 19380. Transferor: A. Duie Pyle, Inc. (incorporated 1952), 200 Garfield Avenue, West Chester, Pa. 19380.

Applicants' representative: Donald A. Tortorice, Attorney-at-Law, 100 South Broad St., Philadelphia, Pa. 19110. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificates Nos. MC-39140 (Sub-No. 176), MC-39140 (Sub-No. 177) and MC-39140 (Sub-No. 178G), issued by the Commission July 31, 1969, March 2, 1971, and September 19, 1975, respectively, as follows: General commodities, with exceptions, over specified routes, between Longwood, Pa. and Rising Sun, Md., serving specified intermediate and off-route points, and between Philadelphia, Pa. and Rising Sun, Md., serving all intermediate points; foodstuffs, from the plant site or facilities of Green Giant Co. in the township of West Sadsbury, Chester County, Pa., to points in Connecticut, and specified points in Rhode Island and Virginia; and iron and steel and iron and steel products requiring specialized handling or rigging because of size or weight, between Fairless, Pa. and points within 3 miles thereof, on the one hand, and, on the other, points in a described area in New York, and between Buffalo, N.Y., and points within 10 miles thereof, on the one hand, and, on the other, points in a described area in Maryland. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b) of the Act.

No. MC-FC-76671, filed July 22, 1976. Transferee: **MERIT TRUCK WRECKER SERVICE**, a corporation, 10100 Highway 2, Adams County, Colorado 80022. Transferor: Richard J. Cody, Merit Truck Wrecker Service, 1200 Aspen St., Broomfield, Colorado 80020. Applicants' representative: John H. Lewis, Attorney-at-Law, The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-128325 (Sub-No. 1), issued April 20, 1972, as follows: Wrecked and disabled motor vehicles and operative motor vehicle replacement units (except trailers designed to be drawn by passenger automobiles), between points in Colorado, on the one hand, and, on the other, points in Arizona, Idaho, Illinois, Iowa, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming; and wrecked and disabled motor vehicles and operative motor vehicle replacement units (except trailers designed to be drawn by passenger automobiles), in truckaway service, between Denver, Colo., on the one hand, and, on the other, points in Arizona, Kansas, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76679, filed July 28, 1976. Transferee: **EXPRESSWAY, IND.**, 1105 St. Louis, Louisville, Ky. 40201. Transferor: Our Own Deliveries Inc., (Wallace H. Spalding, Jr. Trustee in Bankruptcy), 600 Starks Building, Louisville, Ky. 40202. Applicants' representative: John P. Reisz, Attorney-at-Law, 2650 First National Tower, Louisville, Ky. 40202. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-124624 (Sub-No. 1), issued September 9, 1964, as follows: General commodities, with specified exceptions, between specified points in Kentucky, over specified routes. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-76682 filed October 4, 1976. Transferee: **ALLEN'S TRANSFER & STORAGE**, 20 Willow Street, Augusta, Maine 04330. Transferor: Barrows Transfer And Storage Company (Internal Revenue Service-Successor in Interest). Applicant's representative: Norman L. Allen, 20 Willow Street, Augusta, Maine 04330. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-108241 and MC-108241 (Sub-No. 8), issued May 10, 1955, and March 26, 1973, respectively, as follows: MC-108241—Household goods as defined by the Commission, between points in Maine, on the one hand, and, on the other, points in New Hampshire and Massachusetts; household goods, office furniture and equipment, and store fixtures, between Portland, Maine, and points within ten miles thereof, on the one hand, and, on the other points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. Sub-8—Used household goods, between points in Maine. Transferee is presently authorized to operate as a common carrier under Certificate No. MC-95730. Application has been filed for temporary authority under Section 210 a(b).

No. MC-FC-76750 filed September 26, 1976. Transferee: **JAMES WILLIAM LIVESAY** and **DANIEL GEORGE HOXTER**, a partnership, doing business as **GOLDEN BAY FREIGHT LINES**, 1097 Old County Road, San Carlos, California, 94070. Transferor: James Liversay, doing business as Golden Bay Freigh Lines, 1097 Old County Road, San Carlos, California 94070. Applicants' representaive: Michael P. Groom, 777 North First Street, Suite 500, San Jose, California, 95112. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate of Registration No. MC-120708 (Sub-No. 1) issued September 17, 1974, as follows General commodities, with exceptions, between all points on or within five miles laterally of the following highways: 1. U.S. Highways Nos. 101 and 101 Bypass between San Francisco and San Jose, both inclusive. 2. U.S. Highway No. 40 and State Highway No. 17 between Richmond and Los Gatos, both inclusive. 3. U.S. Highway No. 50 and State Highway No. 9 between Oakland and Saratoga, both inclusive. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76756, filed September 27, 1976. Transferee: **NICHOLAS J. ASCENZO, INC.**, 1544 Boone Avenue, Bronx, New York 10460. Transferor: Ascenzo and Sons, Inc., 535 Brush Avenue, Bronx, New York 10465. Applicants' representative: Morton E. Kiel, Suite 6193-5 World Trade Center, New York, New York 10048. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-95965, issued September 2, 1964, and Permits No. MC-126458, MC-126458 (Sub-No. 2), MC-126458 (Sub-No. 4), MC-126458 (Sub-No. 5), and MC-126458 (Sub-No. 7), issued February 19, 1974, November 12, 1974, and April 29, 1976, respectively, as follows: specified commodities from, to, or between points in New York, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, North Carolina, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76759, filed September 28, 1976. Transferee: **SOUTH END CARTAGE CORPORATION OF DELAWARE**, 4222 S. Knox Avenue, Chicago, Ill. 60632. Transferor: **SOUTH END CARTAGE, INC.**, 4222 S. Knox Avenue, Chicago, Ill. 60632. Applicants' representative: H. Neil Garson, Attorney-at-Law, 1400 N. Uhle St., Arlington, Va. 22201. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 8472 and MC 8472 (Sub-No. 2), issued by the Commission November 12, 1969, and September 14, 1973, respectively, as follows: General commodities, with the usual exceptions, between points in the Chicago, Ill., Commercial Zone as defined by the Commission; and bananas, in containers, and coconuts and pineapples in mixed loads with bananas, from Chicago, Ill., to points in Indiana, Michigan, Wisconsin, Illinois, Minnesota, and Iowa. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76762, filed September 29, 1976. Transferee: **BOHNEN TRUCK LINE, INC.**, Rural Route No. 1, Dorrance, Kans. 67634. Transferor: **BRUCE BOHNEN**, doing business as **BOHNEN TRUCK LINE**, Rural Route No. 1, Dorrance, Kans. 67634. Applicants' representative: Clyde N. Christey, Attorney at Law, 514 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 106413, issued December 27, 1972, as follows: Building materials and agricultural implements and parts, from Kansas City, Mo., to Ellsworth, Kans., and points within 15 miles of Ellsworth; beer, from

St. Joseph, Mo., to Ellsworth, Kans.; and empty beer containers, from Ellsworth, Kans., to St. Joseph, Mo.; eggs, from Ellsworth, Kans., to Kansas City and St. Joseph, Mo.; empty egg cases, from Kansas City and St. Joseph, Mo., to Ellsworth, Kans.; feed, from North Kansas City, Mo., to Ellsworth, Kans.; livestock, between Ellsworth, Kans., and points within 15 miles thereof, on the one hand, and, on the other, Kansas City, Kans., and Kansas City and St. Joseph, Mo.; salt, from Hutchinson, Kans., to specified points in Arkansas, and empty salt bags, from specified points in Arkansas to Hutchison, Kans. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76768, filed October 6, 1976. Transferee: SANTA CLAUS ASSOCIATED TRUCKING LTD., 1105 N. Market Street, Wilmington, Del. 19801. Transferor: TAYLOR SERVICES, INC., doing business as ULTRA SPECIAL EXPRESS, P.O. Box 190, Farmingdale, N.J. 07727. Applicants' representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Corrected Certificate No. MC 135017, issued December 7, 1972, as follows: General commodities with the usual exceptions, between the Naval Supply Depot at or near Mechanicsburg, Pa., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission, and points in Nassau County, N.Y., other than points in the New York, N.Y., Commercial Zone, as defined by the Commission, and material (except in bulk), not including classes A and B explosives, and equipment, consigned to, or intended for, the United States Army or United States Navy, between points in Essex, Bergen, Hudson, and Passaic Counties, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania (except Philadelphia), Rhode Island, Virginia, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30949 Filed 10-20-76;8:45 am]

[Notice No. 49]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 21, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 10, 1976. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76446. By order of October 14, 1976, the Motor Carrier Board approved the transfer to Efficient Transport Co., Birmingham, Michigan, of Certificate No. MC 2484 (Sub-No. 43) and (Sub-No. 48), issued January 18, 1968, and July 11, 1973, respectively, to E & L Transport Company, Dearborn, Michigan, authorizing the transportation of (1) Tractors, in truckaway service, from the plantsite of the Ford Motor Company at Romeo, Mich., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, New Jersey, New York, Ohio, West Virginia, Pennsylvania, and Wisconsin, restricted to the transportation of shipments originating at the above-named plantsite and destined to points in the above named destination states; and (2) Tractors (except truck tractors), from the plantsite of Ford Motor Company at Romeo, Mich., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Louisiana, Maryland, Minnesota, Mississippi, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, restricted to the transportation of shipments originating at the above-named plantsite and destined to the above-named destination points.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30948 Filed 10-20-76;8:45 am]

[I.C.C. Order No. 9, Service Order No. 1252]

REROUTING TRAFFIC

To All Railroads:

In the opinion of Joel E. Burns, Agent, the Middletown and Hummelstown Railroad Company is unable to transport traffic over its line, formerly operated by the Reading Company, because of track damage caused by flooding.

It is ordered, That:

(a) The Middletown and Hummelstown Railroad Company being unable to transport traffic over its line because of track damage, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroads desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 13, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

(Replaces Revised I.C.C. Order No. 169 issued under Revised Service Order No. 994.)

Issued at Washington, D.C., October 12, 1976.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.76-30950 Filed 10-20-76;8:45 am]

[Notice No. 139]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

IMPORTANT NOTICE

OCTOBER 18, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 4483 (Sub-No. 21TA), filed October 12, 1976. Applicant: MONSON DRAY LINE, INC., Route 1, Red Wing, Minn. 55066. Applicant's representative: Richard L. Gill, 332 Hamm Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, carbonated, flavored or phosphated*, from Minneapolis, Minn., to Eau Claire, Wis., and Watertown, S. Dak., for 180 days. Supporting shipper: JFW Enterprises, Inc., 3612 E. 44th St., Minneapolis, Minn. 55406. Send protests to: Marion L. Cheney, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 97699 (Sub-No. 46TA), filed October 12, 1976. Applicant: BARBER TRANSPORTATION CO., Deadwood Ave., P.O. Drawer 1970, Rapid City, S. Dak. 57701. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Bentonite clay*, in bags, serving Colony, Wyo., and its Commercial Zone as an off-route point in connection with carrier's authorized regular-route operations to and from Belle Fourche, S. Dak. Applicant intends to tack its existing authority with MC 97699 with a joiner at Belle Fourche, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: International Min. & Chem. Corp., Box 460, Belle Fourche, S. Dak. Baroid Petroleum Services, N L Industries, Inc., Alzada Star Route, Belle Fourche, S. Dak. Federal Bentonite Company, 609 5th Ave., Belle Fourche, S. Dak. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369 Federal Bldg., Pierre, S. Dak. 57501.

No. MC 107882 (Sub-No. 40TA), filed October 12, 1976. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Applicant's representative: Herbert A. Dubin, Suite 1030, Federal Bar Bldg., West, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency paper*, between Dalton, Mass., and Washington, D.C., under a continuing contract with General Services Administration, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Services Administration, Chief, Contracts and Negotiations Br., Crystal Mall Bldg., No. 4, Washington, D.C. 20406. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 116145 (Sub-No. 9TA), filed October 12, 1976. Applicant: G. G. PARSONS TRUCKING COMPANY, P.O. Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, from the plantsite of American Drew, Inc., North Wilkesboro, N.C., to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, under a continuing contract with American Drew, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Drew, Inc., P.O. Drawer 489, North Wilkesboro, N.C. 28659. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 118202 (Sub-No. 63TA), filed October 12, 1976. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, Minn. 55987. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pork and pork products* (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Hygrade Food Products Corp., at Storm Lake and Cherokee, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and Virginia. Restriction: Restricted to traffic originating at the plantsite and storage facilities utilized by Hygrade Food Products Corporation, at the above-named origins, for 180 days. Supporting shipper: Hygrade Food Products Corp., P.O. Box 4771, Detroit, Mich. 48219. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 133119 (Sub-No. 100TA), filed October 12, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 200, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, from Detroit, Mich.; Greenfield and Sandusky, Ohio; and Cudahy, Wis., to ports of entry on the International Boundary line between the United States and Canada, located at Noyes, Minn.; Pembina and Portal, N. Dak.; Sweetgrass, Mont., and Blaine, Wash. Restriction: Restricted to the transportation of shipments destined to points in Manitoba, Saskatchewan, Alberta, and British Columbia, for 180 days. Supporting shippers: George Best, Buyer, L. N. Reynolds Co., 3246 Bloor St., West, Toronto, Ontario M8X 1E4. Bernie Kowal, Manager, AG-PAK Foodproducts, Ltd., 2399 Cawthra Road, Suite 208, Mississauga Ontario, L5A 2W9. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St. Omaha, Nebr. 68102.

No. MC 133689 (Sub-No. 85TA), filed October 12, 1976. Applicant: OVERLAND EXPRESS, INC., 719 First St., S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Fargo, N. Dak., to Pittsburgh, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Nutrition Mills, Inc., 903 4th Ave., North, P.O. Box 349, Fargo, N. Dak. 58108. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 136464 (Sub-No. 25TA), filed October 12, 1976. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C 28052. Applicant's representative: Eric Meierhoefer, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products, and materials and supplies* used in the manufacture and sale of textiles and textile products, from the facilities of J. P. Stevens & Co., Inc., located at or near Greenville, S.C., to points in California, restricted to the transportation services performed under a continuing contract with J. P. Stevens & Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. P. Stevens & Co., Inc., Box 20087, Greensboro, N.C. 27420. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Charlotte, N.C. 28205.

No. MC 139151 (Sub-No. 2TA), filed October 12, 1976. Applicant: CANUS TRUCKING LTD., 225 Isabel St., Winnipeg, Manitoba, Canada R3A IHI. Applicant's representative: Chester A. Zyblut, 1030 15th St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry core additives*, in bags, from Belle Fourche, S. Dak., to port of entry on the International Boundary Line between the United States and Canada, at or near Noyes, Minn. (traffic destined for Winnipeg, Manitoba, Canada), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Colloid Company, Box 160, Belle Fourche, S. Dak. 57717. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 140842 (Sub-No. 2TA), filed October 12, 1976. Applicant: B AND P MOTOR LINES, INC., 710 Oakland Road, P.O. Box 741, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, 109 Hartsville St., P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Amarillo, Tex.; Dakota City, Nebr., and Emporia, Kans., to Hickory, N.C., under a continuing contract with Merchants Distributors, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Merchants Distributors, Inc., P.O. Box 2148, Hickory, N.C. 28601. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Mart Office Bldg., Room CC516, Charlotte, N.C. 28205.

No. MC 142526 TA, filed October 12, 1976. Applicant: WASHINGTON TRANSPORTATION CO., 1717 N. 70th Ave., Omaha, Nebr. 68104. Applicant's representative: Edward A. O'Donnell, 1004 29th St., Sioux City, Iowa 51104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Omaha, Nebr., to points in Illinois and Indiana within the Chicago, Ill., commercial zone and points in the commercial zone of Akron, Cincinnati, Cleveland, Columbus, Dayton, Salem, Toledo, and West Richfield, Ohio; Detroit, Mich., and Charlotte, N.C. Restriction: Restricted to a transportation service performed under a continuing contract with Flavorland Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jerry DeLoss, Traffic Manager, Flavorland Industries, Inc., 1911 Cunningham Drive, Sioux City, Iowa 51107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30951 Filed 10-20-76;8:45 am]

federal register

THURSDAY, OCTOBER 21, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

PART II:

ENVIRONMENTAL PROTECTION AGENCY

◆

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Standard For Vinyl Chloride

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 618-1]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Standard for Vinyl Chloride

On December 24, 1975, under section 112 of the Clean Air Act, as amended (42 U.S.C. 1857), the Environmental Protection Agency (EPA) added vinyl chloride to the list of hazardous air pollutants (40 FR 59477) and proposed a national emission standard for it (40 FR 59532). The standard covers plants which manufacture ethylene dichloride, vinyl chloride, and/or polyvinyl chloride.

EPA decided to regulate vinyl chloride because it has been implicated as the causal agent of angiosarcoma and other serious disorders, both carcinogenic and noncarcinogenic, in people with occupational exposure and in animals with experimental exposure to vinyl chloride. Reasonable extrapolations from these findings cause concern that vinyl chloride may cause or contribute to the same or similar disorders at present ambient air levels. The purpose of the standard is to minimize vinyl chloride emissions from all known process and fugitive emission sources in ethylene dichloride-vinyl chloride and polyvinyl chloride plants to the level attainable with best available control technology. This will have the effect of furthering the protection of public health by minimizing the health risks to the people living in the vicinity of these plants and to any additional people who are exposed as a result of new construction.

Interested parties participated in the rulemaking by sending comments to EPA. The comments have been carefully considered, and where determined by the Administrator to be appropriate, changes have been made to the regulation as promulgated.

SUMMARY OF THE STANDARD

In ethylene dichloride-vinyl chloride plants, the standard limits vinyl chloride emissions from the ethylene dichloride and vinyl chloride formation and purification processes to 10 ppm. For the oxychlorination process, vinyl chloride emissions are limited to 0.2 g/kg of ethylene dichloride product.

In polyvinyl chloride plants, the standard limits vinyl chloride emissions from equipment preceding and including the stripper in the plant process flow to 10 ppm. Emissions from equipment following the stripper are to be controlled by stripping dispersion resins to 2000 ppm and other resins to 400 ppm, or by using equivalent controls. Vinyl chloride emissions from reactor opening are to be reduced to 0.02 g/kg polyvinyl chloride product.

In both ethylene dichloride-vinyl chloride and polyvinyl chloride plants, relief valve discharges and manual venting of gases are prohibited except under emergency conditions. Fugitive emissions are required to be captured and controlled.

HEALTH AND ENVIRONMENTAL IMPACTS

EPA prepared a document entitled the *Quantitative Risk Assessment for Community Exposure to Vinyl Chloride* which estimates the risk from vinyl chloride exposure to populations living in the vicinity of vinyl chloride-emitting plants before and after implementation of controls to meet the standard. There are no dose-response data for the concentrations of vinyl chloride found in the ambient air. Therefore, assessments of risk at ambient levels of exposure were extrapolated from dose-response data from higher levels of exposure using both a linear model and a log-probit model. Extrapolations made with each of these models entailed using different sets of assumptions. Because different assumptions can be made in extrapolating to low doses, the health risks are reported in ranges.

It was estimated that 4.6 million people live within 5 miles of ethylene dichoride-vinyl chloride and polyvinyl chloride plants and that the average exposure around these plants before installation of controls to meet the standard is 17 parts per billion. The exposure levels for uncontrolled plants were calculated based on estimated 1974 emission levels. Using the linear dose-response model, EPA found that the rate of initiation of liver angiosarcoma among people living around uncontrolled plants is expected to range from less than one to ten cases of liver angiosarcoma per year of exposure to vinyl chloride. The log-probit model gave predictions that are 0.1 to 0.01 times this rate. This wide range is an indication of the uncertainties in extrapolation to low doses. Due to the long latency time observed in cancer cases resulting from vinyl chloride exposure, increases initiated by exposure this year will not be diagnosed until the 1990's or later. Vinyl chloride is also estimated to produce an equal number of primary cancers at other sites, for a total of somewhere between less than one and twenty cases of cancer per year of exposure among residents around plants. The number of these effects is expected to be reduced at least in proportion to the reduction in the ambient annual average vinyl chloride concentration, which is expected to be 5 percent of the uncontrolled levels after the standard is implemented.

Changes in the standard since proposal do not affect the level of control required. Thus, the environmental impact of the promulgated standard is, with one exception, the same as that described in Chapter 6 of Volume I of the *Standard Support and Environmental Impact Statement*. According to data submitted by the Society of Plastics Industry, Inc. (SPI), the impact on water consumption in the draft environmental impact statement was overstated. In estimating the impact on water consumption, EPA based its estimates on worst case conditions. That is, EPA assumed that those control systems with the greatest water usage would be employed and that there would be no recycling of water. There is no regulation which would require water recycling. According to SPI, the control system utilizing the most water will not be used generally by the industry and economic factors will cause plants to recycle much of the water. Therefore, according to SPI the impact of the standard on water consumption will be negligible.

The environmental impacts of the promulgated standard may be summarized as follows: The primary environmental impacts of the standard are beneficial and will consist of vinyl chloride emission reductions of approximately 94 percent at ethylene dichloride-vinyl chloride plants and 95 percent at polyvinyl chloride plants. Percentage numbers for both source categories are based on an estimated 90 percent reduction in fugitive emissions and 1974 emission levels.

The potential secondary environmental impacts of the standard are either insignificant or will be minimized without additional action, except for one adverse impact. Hydrogen chloride is already emitted by process equipment at ethylene dichloride-vinyl chloride plants and by other petrochemical plants in the complexes where ethylene dichloride-vinyl chloride plants are typically located. An incinerator used to attain the standard at an ethylene dichloride-vinyl chloride plant could increase hydrogen chloride emissions by several fold. Typically, however, due to the corrosion problems which would otherwise occur both on plant property and in the community, plants use scrubbers to control already existing hydrogen chloride emissions. Hydrogen chloride emissions resulting from control of vinyl chloride emissions are expected to be controlled for the same reason. If even a moderately efficient scrubber (98 percent control) were used to control the hydrogen chloride emissions resulting from incineration of vinyl chloride emissions, the increase in hydrogen chloride emissions from a typical ethylene dichloride-vinyl chloride plant due to the standard would be reduced to 35 percent. However, EPA plans to further evaluate the need to control hydrogen chloride emissions, since diffusion model results indicate that under "worst-case" meteorological conditions, the hydrogen chloride emissions from the process equipment and the incinerator combined would cause maximum ambient concentrations of hydrogen chloride in the vicinity of ethylene dichloride-vinyl chloride plants to be in the same range or somewhat higher than existing foreign standards and National Academy of Sciences (NAS) guidelines for public exposure.

ECONOMIC IMPACT

In accordance with Executive Order 11821 and OMB circular A-107, EPA carefully evaluated the economic and inflationary impact of the proposed standard and alternative control levels and certified this in the preamble to the proposed standard. These impacts are discussed in Chapter 7 of Volume I of the *Standard Support and Environmental Impact Statement.* Comments on the proposed standard have resulted in only one major change in the economic impact analysis. EPA estimated that there would be four plant closures as a result of the promulgated standard. Of the four plants identified as possible closure candidates, one has given notice that it no longer produces polyvinyl chloride and the other three have indicated that they do not intend to close as a result of the standard.

The economic impacts of the promulgated standard may be summarized as follows: The total capital cost for existing plants to meet the standard is estimated to be $198 million, of which $15 million is for ethylene dichloride-vinyl chloride plants and $183 million is for polyvinyl chloride plants. EPA estimates that these plants will have to spend $70 million per year to maintain the required emission levels. In addition, the total capital cost for existing plants to meet the EPA's 1983 water effluent guideline limitations is expected to be $83 million and the total annualized operation cost is $17 million. The costs to the industry of meeting the OSHA standard cannot be quantified at this time, but they are expected to overlap to some degree with the costs to meet EPA's fugitive emission regulations. The costs of meeting the fugitive emission regulations are included in the total costs cited above for meeting the promulgated regulation. Broken out separately, the capital cost of meeting the fugitive emission regulations is $37 million and the annualized cost is $25 million.

The standard is not expected to deter construction of new ethylene dichloride-vinyl chloride plants or most types of new polyvinyl chloride plants. For one type of polyvinyl chloride plant (dispersion process) that represents 13 percent of the industry production, the standard would significantly deter the construction of smaller plants.

It is estimated that the price of polyvinyl chloride resins will rise by approximately 7.3 percent in order to maintain precontrol profitability and also to recover the total annualized control costs necessitated by the standard at ethylene dichloride-vinyl chloride plants and polyvinyl chloride plants. This increase is estimated to translate into a maximum consumer price increase in goods fabricated from polyvinyl chloride resins of approximately 3.5 percent. Recovery of effluent annualized costs plus maintenance of precontrol profitability is estimated to add approximately 2 percent to polyvinyl chloride resin prices and result in an additional maximum consumer price increase of 1 percent.

Public Participation

During the public comment period, 50 comment letters on the proposed standard were received. There were 24 from industry; 3 from environmental groups; 15 from Federal, State, and local agencies; and 8 from individual citizens. As required by section 112(b)(1)(B) of the Act, a public hearing was held on the proposed standard on February 3, 1976, in Washington, D.C. Presentations were made by the Environmental Defense Fund, the Society of the Plastics Industry, Inc., Dow Chemical Company, Diamond Shamrock Corporation, and Air Products and Chemicals, Inc. Copies of the comment letters received, the public hearing record, and a summary of the comments with EPA's responses are available for public inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. In addition, copies of the comment summary and Agency responses may be obtained upon written request from the Public Information Center (PM-215), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 (specify *Standard Support and Environmental Impact Statement, Emission Standard for Vinyl Chloride, Volume II*).

Significant Comments and Changes to the Proposed Regulation

(1) *Decision to list vinyl chloride as a hazardous air pollutant.* In general, the commenters did not contest EPA's decision to list vinyl chloride as a hazardous air pollutant. However, three commenters (two companies and one Federal agency) argued that EPA placed undue emphasis on factors suggesting that vinyl chloride presented a health risk and ignored factors suggesting that no significant risk was involved. Under section 112, however, EPA could remove vinyl chloride from the list of hazardous air pollutants only if information were presented to EPA that shows that vinyl chloride is clearly not a hazardous air pollutant. As discussed more fully in the comment summary, the commenters did not provide conclusive evidence that vinyl chloride is not a hazardous air pollutant which causes or contributes to death or serious illness, nor did they conclusively prove that the health risk factors emphasized by EPA were insignificant.

Several other commenters agreed with EPA's decision to list vinyl chloride as a hazardous air pollutant, but argued that EPA had overstated the health problem, the emission levels, and the projected ambient air concentrations around uncontrolled plants. With regard to the alleged overstated health problem, the commenters stated, for example, that the U.S. worker EPA discussed as having been exposed to vinyl chloride levels lower than those usually encountered in polyvinyl chloride production has been dropped from the National Institute of Occupational Safety and Health's listing of workers with angiosarcoma. EPA agrees that there are questions concerning the level of exposure and in some cases the pathology of these cases not involved directly in polyvinyl chloride and vinyl chloride production. These uncertainties are stated in the appropriate footnotes of the *Scientific and Technical Assessment Report on Vinyl Chloride and Polyvinyl Chloride* (STAR) where the angiosarcoma cases are listed. However, in spite of these uncertainties, in view of the possible exposure patterns, these cases cannot be ignored in the evaluation of the potential public health problems.

With regard to the alleged overstated emission levels, the uncontrolled emission levels reported by EPA were based on 1974 data. This qualification was stated wherever emission data were presented. EPA recognizes that emissions have been reduced since that time, and stated this in the preamble to the proposed standard. EPA decided not to gather more recent data on emission levels, because these emission levels are expected to change, and gathering the data would take considerable time both on the part of EPA and on the part of industry. Since the purpose of the standard is to minimize emissions, these more current data would not affect the standard itself. The 1974 emission levels were also used in diffusion modeling to project maximum ambient air concentrations around uncontrolled plants. These maximum air concentrations would probably be lower if 1976 emission levels were used. This would reduce the relative impact of the standard below that described in the *Standard Support and Environmental Impact Statement*, but would not affect the basis of the standard itself.

(2) *Approach for Regulating Vinyl Chloride Under Section 112.* Two approaches other than using best available control technology were suggested by the commenters for regulating vinyl chloride under section 112. The first was to ban polyvinyl chloride products for which substitutes are currently available and to gradually phase out other polyvinyl chloride products as substitutes are developed.

In the preamble to the proposed standard EPA specified its reasons for not setting a zero emission limit for vinyl chloride, as follows: (1) There are beneficial uses of vinyl chloride products for which desirable substitutes are not readily available; (2) there are potentially adverse health and environmental impacts from substitutes which have not been thoroughly studied; (3) there are a number of employees, particularly in the fabrication industries, who would become at least temporarily unemployed; and (4) control technology is available which is capable of substantially reducing emissions of vinyl chloride into the atmosphere.

EPA agrees that substitutes do exist or could be manufactured for most polyvinyl chloride uses. However, in general, these substitutes do not have some of the more desirable characteristics of polyvinyl chloride, such as nonflammability. If vinyl chloride and polyvinyl chloride were banned, other substitutes with these more desirable characteristics would likely be developed. There is a risk that these substitutes would also have adverse health or environmental effects. Since control measures are available which can reduce vinyl chloride emissions by 90 percent or more, it does not seem prudent to reduce emissions by the remaining percentage and take the risk of introducing new untested chemicals into the environment.

Another approach suggested by the commenters was to base the standard for each individual emission point on cost versus benefit. Several of the fugitive emission sources were named specifically as ones for which the costs of control were substantially higher than the benefits. Although EPA did determine a cost-benefit ratio for the controls required for a number of emission points, EPA does not believe such a ratio is an appropriate basis on which to set a standard. Section 111 of the Clean Air Act provides for the development of standards based on best control technology (considering costs). Even under section 111, however, standards are not based on a fine balancing of costs versus benefits. Instead, costs are considered in terms of the affordability of the control technology required to achieve a given emission level and the economic impact of possible standards on the industry in question. Unlike section 111, section 112 does not explicitly provide for consideration of costs, so it would clearly be inappropriate to consider costs to a greater extent under section 112 than would be done under section 111. As discussed in the preamble to the proposed standard for vinyl chloride, EPA believes costs may be considered under section 112, but only to a very limited extent; i.e., to assure that the costs of control technology are not grossly disproportionate to the amount of emission reduction achieved. In comparison with other emission points, the costs of controlling the fugitive emission sources mentioned by the commenters are relatively small compared with the amount of emission reduction achieved.

Several commenters recommended adding to the regulation a provision for excess emissions during startup, shutdown, and malfunction. EPA considered this comment, and decided that this addition is not necessary for the vinyl chloride standard. Startup and shutdown of the process has essentially no effect on emissions to the atmosphere for polyvinyl chloride production, and technology exists to avoid excess emissions during startup and shutdown at ethylene dichloridevinyl chloride plants. We do not believe plants should be allowed to emit excess emissions during malfunctions, and therefore are requiring them to shut down immediately.

(3) *Selection of source categories.* In the preamble to the proposed standard EPA recognized that some small research and development facilities may exist where the emissions of vinyl chloride are insignificant and covering these facilities under the standard would be unnecessary and inappropriate. However, EPA did not have sufficient information available to clearly define which facilities should be excluded from the standard, and encouraged interested parties to submit such information during the comment period. Based on the information submitted, EPA decided to exempt polyvinyl chloride reactors and associated equipment from applicability of all parts of the standard if the reactors are used in research and development and have a capacity of no more than 0.19 m^3 (50 gal). Reactors in this size range can generally be found in a laboratory, whereas the larger reactors are typically pilot scale facilities. Emissions from laboratory scale equipment are relatively small, and application of the controls required by the standard would be expensive and impractical. EPA also decided to exempt research and development facilities containing reactors greater than 0.19 m^3 (50 gal) and no more than 4.07 m^3 (1100 gal) in capacity from all parts of the standard except the 10 ppm limit for reactors, strippers, monomer recovery systems, and mixing, weighing and holding containers. EPA decided not to require these facilities to meet other parts of the standard because of the technical problems involved in doing so. For example, the standard for reactor opening is based in part on reducing the frequency of opening the reactor. Research and development reactors have to be opened after every batch for thorough cleaning. Also, stripping technology is developed individually for each resin in research and development equipment. Therefore, attainment of the stripping limitations in the research and development equipment would not always be possible. The 4.07 m^3 (1100 gal) figure was selected as an upper cut-off point because there are no commercial reactors smaller than this.

(4) *Emission limits.* The only major change in the emission limits between proposal and promulgation is the addition of a provision for emergency manual venting of vinyl chloride from reactors to the atmosphere. The proposed standard prohibited all manual venting to the atmosphere. In the preamble to the proposed standard, EPA invited interested persons to comment on whether permitting manual venting to the atmosphere could result in overall lower emissions. There are several methods available for preventing relief discharges from reactors, one of which is manual venting of part of the reactor contents for purposes of cooling and reduction in pressure within the reactor. The higher the temperature and pressure within the reactor, the greater the amount of vinyl chloride which has to be removed to bring the reactor under control. Manual venting can be done at a lower pressure than the pressure required to open the relief valve. For this reason manual venting can result in lower emissions than would occur by allowing the reactor to discharge through the relief valve. Furthermore, a manual vent valve is under the control of an operator and can be closed. A relief valve may become clogged with resin and not close. The result would be loss of all the reactor contents.

The contents of a reactor can be manually vented to a gasholder or other holding vessel. However, in some cases, such as during severe weather conditions, several reactors may be out of control at one time. There would be insufficient holding capacity under these conditions to manually vent the contents of all the reactors to a gasholder. Therefore, when all other measures to prevent relief valve discharges have been exhausted, manual venting will be permitted as a last resort before the relief valve opens. The same notification procedures are required for manual venting to the atmosphere as are required for relief discharges.

There are several changes in the numerical emission limits in the promulgated standard. Except for the standard for reactor opening loss, these changes simply involve conversion to the International System of Units (SI). There was an error involved in the original calculation used to derive the standard for reactor opening. Correcting this error doubles the allowable emissions. It is emphasized that the change in this standard is a correction, and not a change in the intent for the degree of control required.

The proposed standard required the installation of a rupture disc beneath each relief valve to prevent leakage from the relief valve. A provision has been added to the promulgated standard so that a rupture disc is not required if the relief valve is tied into a process line or recovery system. In this case, any leakage from the relief valve would be contained.

The regulation for obtaining vinyl chloride samples has been changed to an operating procedure. The proposed standard stated that there were to be no emissions from taking the samples. Several commenters pointed out that the use of the word "no" would make this regulation impractical to enforce. Therefore, the promulgated standard specifies the operating procedure which EPA originally intended to be used to control this source. This revision is only a change in wording and does not represent a change in the level of the standard.

The regulation for taking samples has also been revised to apply only to samples containing at least 10 percent by weight vinyl chloride. This is consistent with the other parts of the standard which apply to equipment "in vinyl chloride service." "In vinyl chloride service" distinguishes between situations where vinyl chloride is clearly involved and situations where vinyl chloride is a minor component or contaminant, and as defined in promulgated § 61.61(1) means that a piece of equipment contains or contacts either a liquid that is at least 10 percent by weight vinyl chloride or a gas that is at least 10 percent by volume vinyl chloride.

The proposed standard required a vinyl chloride monitoring system for continuously measuring vinyl chloride levels both within the plant (for leak detection) and within stacks. The proposed standard did not outline required specifications for the monitoring system, except that it was to analyze the samples with gas chromatography, or if all hydrocarbons were assumed to be vinyl chloride, with infrared spectrophotometry, flame ion detection, or equivalent. It required that each plant submit a description of its monitoring system to EPA, so that EPA could determine whether it was acceptable or not. Comments were received indicating a need for EPA to specify some criteria for judging the acceptability of monitoring systems. The accuracy of the monitoring system would be related to the frequency of calibration. Therefore, EPA has included in the promulgated standard requirements for the frequency of calibration and procedures to be carried out in the calibration of the monitoring instruments.

The portable hydrocarbon detector required by the proposed standard was required to have a sensitivity of 5 ppm. Comments were received indicating that instruments in this sensitivity range are delicate and require continuing maintenance. The portable hydrocarbon detector is required for leak detection and for measuring vinyl chloride concentrations inside the equipment before opening it. A 5 ppm sensitivity is not needed in either case, and the required sensitivity has been changed to 10 ppm in the promulgated standard.

The proposed standard contained a single regulation for compressors. The promulgated standard has separate regulations for rotating and reciprocating compressors. This is consistent with having separate regulations for rotating and reciprocating pumps in both the proposed and promulgated standards.

Section 61.66 of the proposed standard provided for the use of equivalent methods of control which have been approved by EPA. The promulgated standard requires that the plant owner or operator submit a request for determination of equivalency within 30 days of the promulgation date if the alternative control method is intended as the initial means of control. The purpose of this is to provide time for EPA to evaluate the method before the plant has to be in compliance (for existing sources, 90 days after the promulgation date). EPA also suggests that this request for determination of equivalency be accompanied by a request for waiver of compliance pursuant to section 112(c)(1)(B)(ii) of the Act. The request for a waiver for compliance should provide for the case where EPA determines that a method is not equivalent and the plant needs to purchase other equipment. In no case will the waiver of compliance be extended beyond two years from the date of promulgation.

There are several wording clarifications which have been made in the promulgated standard. The definition for "in vinyl chloride service" (§ 60.61(1)) has been clarified by stating that it means equipment that contacts vinyl chloride as well as equipment that contains vinyl chloride. This would include such equipment as agitators.

Words have been added in §§ 61.62, 61.63, and 61.64 to clarify that the 10 ppm emission limits do not have to be met when equipment has already been opened in compliance with the regulation for opening of equipment. Equipment that has met the opening of equipment regulation can contain more than 10 ppm vinyl chloride and would be in violation of the standard if this statement were not included.

The requirements for stripping polyvinyl chloride resins to specified levels have been revised in §§ 61.64(e), 61.67(g)(3)(ii), and 61.70(c)(2)(i) so that measurement of the vinyl chloride levels in the resins is to be made immediately after stripping is completed rather than as the resin is being transferred out of the stripper. This allows a plant to carry out operations in a stripper after stripping has been completed but before it is transferred out of the stripper. This is consistent with the original intent of the standard.

The regulation for loading and unloading lines in § 61.65(b)(1) has been revised to clarify that it applies only to lines that are disconnected after each loading or unloading operation. Permanently installed pipelines that are opened infrequently for inspection or maintenance, for example, are covered by the opening of equipment regulation rather than the loading and unloading line regulation.

The regulation for inprocess wastewater in the proposed standard could have been misinterpreted to require individual treatment of wastewater streams. Section 61.65(b)(9)(i) of the promulgated standard clarifies that wastewater streams that are required to be treated (i.e., those containing greater than 10 ppm vinyl chloride) can be combined to be treated. However, wastewater streams that contain greater than 10 ppm vinyl chloride cannot be combined with wastewater streams that contain less than 10 ppm vinyl chloride before treatment; i.e., dilution cannot be used to meet the standard.

The commenters recommended several changes in the emission limits which have not been incorporated into the promulgated standard. These are discussed in the following paragraphs.

It was recommended that the requirement for double mechanical seals on pumps, compressors, and agitators be removed because the single seals currently used on this equipment have small emissions and are more reliable than double mechanical seals. EPA is aware that each fugitive emission source, such as one pump, taken by itself causes relatively small emissions. Fugitive emissions considered as a whole are a significant source of emissions, however, and the intent of the standard is to reduce these. Double mechanical seal pumps are commonly used in the industry for emission reduction. Sealless pumps or equivalent systems are available as options to double mechanical seals.

The commenters recommended increasing the averaging time for the 10 ppm limits and the emission limits for reactor opening and stripping to 30 days. Some of the commenters apparently thought that the 10 ppm limits had to be met on an instantaneous basis. However, since the performance test for determining compliance consists of three runs for a minimum of an hour each, the averaging time for the 10 ppm limit is at least three hours. Increasing the averaging time to 30 days for any of the emission limits would permit higher peak emission levels. EPA has determined that this is neither desirable nor necessary.

Some commenters requested that the stripping levels for dispersion resins be made the same as for other resins and others requested that they be made less stringent. EPA decided not to make the standard for stripping dispersion resins the same as for other resins because there is sufficient evidence to indicate that these resins are more difficult to strip than other resins. With regard to making the stripping levels for dispersion resins less stringent, only one of the eight manufacturers of dispersion resins specifically commented that the dispersion resin standard should be made less stringent. Only two of several grades of dispersion resins made by this company cannot meet the 2,000 ppm limit. The proposed standard takes into consideration that some resins are more difficult to strip than others by providing for averaging among different resins.

(5) *Testing, reporting, and recordkeeping.* There are several relatively minor changes in the testing, reporting, and recordkeeping requirements. A provision has been added to § 61.67 which requires that stack gas samples taken with Test Method 106 are to be analyzed within 24 hours. This is consistent with the requirements in the proposed Test Method 106. The promulgated standard also specifies that in averaging the results of the three runs required by Test Method 106, a time-weighted average is to be used.

One commenter requested that the oxygen content and moisture content be specified for the 10 ppm concentration standards. The proposed standard specified that the vinyl chloride concentration is to be corrected to 10 percent oxygen (wet basis) if combustion is used as the control measure. In the promulgated standard, this requirement has been expanded to all control measures.

A provision has been added to the promulgated standard which states that if a reactor is also used as a stripper, the reactor opening emissions may be determined immediately following the stripping operation. If a reactor is also used as a stripper, the resin is in the reactor when it is opened. This means that vinyl chloride in the resin which has already been stripped to acceptable levels can escape from the resin and become part of the reactor opening loss. It is EPA's intent that once a resin has been stripped to the required levels, that additional controls are not required. Under the new provision, vinyl chloride escaping from the resin after it has been stripped to acceptable levels is not counted as part of the reactor opening loss.

A section requiring continuous monitoring of stack emissions has been added to the promulgated standard. The continuous monitoring of stack emissions was required in the proposed standard. The addition of a specific paragraph for emission monitoring serves only to clarify the requirement.

The standard has been revised so that the initial report requires a "description" rather than a "detailed description" of the equipment used to control fugitive emissions. Several commenters pointed out that a detailed description would contain proprietary information. EPA agrees that a detailed description in the initial report is unnecessary. If additional information is needed, EPA can obtain it under section 114 of the Act and the plant can request confidential treatment in accordance with 40 CFR Part 2 for information it believes to be proprietary.

The proposed standard required that a semiannual report be submitted every 180 days. The promulgated standard specifies dates for the submittal of the reports. It also specifies that the first semiannual report does not have to be submitted until at least six months after the initial report is submitted.

The standard has been revised to eliminate the requirement to record the cause of any leak detected by the vinyl chloride detector, the action taken to repair the leak, and the amount of time required to repair the leak. EPA is concerned only that leaks are detected and repaired. That this has been done can be established by looking at the strip chart record of measurements made by the vinyl chloride detector. These records are still required for the portable hydrocarbon detector however.

Several commentators recommended that the companies be allowed an extra two weeks to submit to EPA data from the initial performance test. They also recommended that they submit the data by regular mail rather than registered mail. EPA has not adopted either of these recommendations. A source is supposed to be in compliance with the standard within 90 days of the promulgation of the standard. The standard requires that the emission tests be done within the 90 day period, and permits an extra 30 days for determination of results. The purpose of using registered mail is to document the fact that emission data have been sent and received. This way if the results are lost in the mail, there will be no question that they were sent.

(6) *Test method.* Test Method 106 has been changed to recognize that on a gas chromatograph equipped with a Chromosorb 102 column, acetaldehyde may interfere with the vinyl chloride peak. When a sample is expected to contain acetaldehyde, a secondary column as described in section 4.3.2 must be employed. Mass spectroscopy or another absolute analytical technique is required to confirm the vinyl chloride peak obtained with the gas chromatograph, only if peak resolution with the secondary column is not successful.

In section 4.1.4, aluminized Mylar bags can be substituted for Tedlar bags. EPA now has data to allow this substitution, provided that the samples are analyzed within 24 hours of collection.

In section 5.1.3 of Test Method 106 the requirement to use "oxygen gas" has been replaced with "oxygen gas or air, as required by the detector." Several commentors stated that most gas chromatographs are designed to use hydrogen and air for their flame detectors. When used in this way, they are capable of detecting 0.5 ppm vinyl chloride in air. This is sensitive enough for monitoring the 10 ppm emission limits stipulated in the standard.

In section 6.4 of Test Method 106 the requirement for an automatic integrator has been replaced with a requirement for a disc integrator or planimeter for measuring peak area. This change is in response to a comment which states that automatic integrators are unnecessarily elaborate and expensive.

A new section 6.5 has been added to Test Method 106 which requires determination of the water vapor content of the sampling bag by measuring the ambient temperature and pressure near the bag. The vinyl chloride concentration of the bag can then be reported on a dry basis. A provision for checking the rigid container for leaks has been added to section 7.4 of Test Method 106.

The only change in Test Method 107 is the provision in Section 5.3.2 for use of Carbopak C as well as Carbopak A.

AUTHORITY: Section 112 of the Clean Air Act as added by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1685 (42 U.S.C. 1857c-7; Section 114 of the Clean Air Act, as added by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1687, and amended by Pub. L. 93-319, sec. 6(a)(4), 88 Stat. 259 (42 U.S.C. 1857c-9); Section 301(a) of the Clean Air Act, as amended by sec. 15(c)(2) of Pub. L. 91-604, 84 Stat. 1713 (42 U.S.C. 1857g(a)).

Dated: October 12, 1976.

JOHN QUARLES,
Acting Administrator.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows: The table of sections for Part 61 is amended by adding a list of sections for new Subpart F and Part 61 is amended by adding a new Subpart F reading as follows:

Subpart F—National Emission Standard for Vinyl Chloride

Sec.
61.60 Applicability.
61.61 Definitions.
61.62 Emission standard for ethylene dichloride plants.
61.63 Emission standard for vinyl chloride plants.
61.64 Emission standard for polyvinyl chloride plants.
61.65 Emission standard for ethylene dichloride, vinyl chloride and polyvinyl chloride plants.
61.66 Equivalent equipment and procedures.
61.67 Emission tests.
61.68 Emission monitoring.
61.69 Initial report.
61.70 Semiannual report.
61.71 Recordkeeping.

AUTHORITY: Section 112 of the Clean Air Act as added by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1685 (42 U.S.C. 1857c-7); section 114 of the Clean Air Act, as added by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1687, and amended by Pub. L. 93-319, sec. 6(a)(4), 88 Stat. 259 (42 U.S.C. 1857c-9); section 301(a) of the Clean Air Act, as amended by sec. 15(c)(2) of Pub. L. 91-604, 84 Stat. 1713 (42 U.S.C. 1857g(a)).

Subpart F—National Emission Standard for Vinyl Chloride

§ 61.60 Applicability.

(a) This subpart applies to plants which produce:

(1) Ethylene dichloride by reaction of oxygen and hydrogen chloride with ethylene,

(2) Vinyl chloride by any process, and/or

(3) One or more polymers containing any fraction of polymerized vinyl chloride.

(b) This subpart does not apply to equipment used in research and development if the reactor used to polymerize the vinyl chloride processed in the equipment has a capacity of no more than 0.19 m^3 (50 gal).

(c) Sections of this subpart other than § 61.64(a)(1), (b), (c), and (d) do not apply to equipment used in research and development if the reactor used to polymerize the vinyl chloride processed in the equipment has a capacity of greater than 0.19 m^3 (50 gal) and no more than 4.07 m^3 (1100 gal).

§ 61.61 Definitions.

Terms used in this subpart are defined in the Act, in subpart A of this part, or in this section as follows:

(a) "Ethylene dichloride plant" includes any plant which produces ethylene dichloride by reaction of oxygen and hydrogen chloride with ethylene.

(b) "Vinyl chloride plant" includes any plant which produces vinyl chloride by any process.

(c) "Polyvinyl chloride plant" includes any plant where vinyl chloride alone or in combination with other materials is polymerized.

(d) "Slip gauge" means a gauge which has a probe that moves through the gas/liquid interface in a storage or transfer vessel and indicates the level of vinyl chloride in the vessel by the physical state of the material the gauge discharges.

(e) "Type of resin" means the broad classification of resin referring to the basic manufacturing process for producing that resin, including, but not limited to, the suspension, dispersion, latex, bulk, and solution processes.

(f) "Grade of resin" means the subdivision of resin classification which describes it as a unique resin, i.e., the most exact description of a resin with no further subdivision.

(g) "Dispersion resin" means a resin manufactured in such away as to form fluid dispersions when dispersed in a plasticizer or plasticizer/diluent mixtures.

(h) "Latex resin" means a resin which is produced by a polymerization process which initiates from free radical catalyst sites and is sold undried.

(i) "Bulk resin' 'means a resin which is produced by a polymerization process in which no water is used.

(j) "Inprocess wastewater" means any water which, during manufacturing or processing, comes into direct contact with vinyl chloride or polyvinyl chloride or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product containing vinyl chloride or polyvinyl chloride but which has not been discharged to a wastewater treatment process or discharged untreated as wastewater.

(k) "Wastewater treatment process" includes any process which modifies characteristics such as BOD, COD, TSS, and pH, usually for the purpose of meeting effluent guidelines and standards; it does not include any process the purpose of which is to remove vinyl chloride from water to meet requirements of this subpart.

(l) "In vinyl chloride service" means that a piece of equipment contains or contacts either a liquid that is at least 10 percent by weight vinyl chloride or a gas that is at least 10 percent by volume vinyl chloride.

(m) "Standard operating procedure" means a formal written procedure officially adopted by the plant owner or operator and available on a routine basis to those persons responsible for carrying out the procedure.

(n) "Run" means the net period of time during which an emission sample is collected.

(o) "Ethylene dichloride purification" includes any part of the process of ethylene dichloride production which follows ethylene dichloride formation and in which finished ethylene dichloride is produced.

(p) "Vinyl chloride purification" includes any part of the process of vinyl chloride production which follows vinyl chloride formation and in which finished vinyl chloride is produced.

(q) "Reactor" includes any vessel in which vinyl chloride is partially or totally polymerized into polyvinyl chloride.

(r) "Reactor opening loss" means the emissions of vinyl chloride occurring when a reactor is vented to the atmosphere for any purpose other than an emergency relief discharge as defined in § 61.65(a).

(s) "Stripper" includes any vessel in which residual vinyl chloride is removed from polyvinyl chloride resin, except bulk resin, in the slurry form by the use of heat and/or vacuum. In the case of bulk resin, stripper includes any vessel which is used to remove residual vinyl chloride from polyvinyl chloride resin immediately following the polymerization step in the plant process flow.

§ 61.62 Emission standard for ethylene dichloride plants.

An owner or operator of an ethylene dichloride plant shall comply with the requirements of this section and § 61.65.

(a) Ethylene dichloride purification: The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from any equipment used in ethylene dichloride purification is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that has been opened, is out of operation, and met the requirement in § 61.65(b) before being opened.

(b) Oxychlorination reactor: Except as provided in § 61.65(a), emissions of vinyl chloride to the atmosphere from each oxychlorination reactor are not to exceed 0.2 g/kg the 100 percent ethylene dichloride product from the oxychlorination process.

§ 61.63 Emission standard for vinyl chloride plants.

An owner or operator of a vinyl chloride plant shall comply with the requirements of this section and § 61.65.

(a) Vinyl chloride formation and purification: The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from any equipment used in vinyl chloride formation and/or purification is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that has been opened, is out of operation, and met the requirement in § 61.65(b)(6)(i) before being opened.

§ 61.64 Emission standard for polyvinyl chloride plants.

An owner or operator of a polyvinyl chloride plant shall comply with the requirements of this section and § 61.65.

(a) Reactor: The following requirements apply to reactors:

(1) The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from each reactor is not to exceed 10 ppm, except as provided in paragraph (a)(2) of this section and § 61.65(a).

(2) The reactor opening loss from each reactor is not to exceed 0.02 g vinyl chloride/Kg (0.00002 lb vinyl chloride/lb) of polyvinyl chloride product, with the product determined on a dry solids basis. This requirement applies to any vessel which is used as a reactor or as both a reactor and a stripper. In the bulk process, the product means the gross product of prepolymerization and postpolymerization.

(3) Manual vent valve discharge: Except for an emergency manual vent valve discharge, there is to be no discharge to the atmosphere from any manual vent valve on a polyvinyl chloride reactor in vinyl chloride service. An emergency manual vent valve discharge means a discharge to the atmosphere which could not have been avoided by taking measures to prevent the discharge. Within 10 days of any discharge to the atmosphere from any manual vent valve, the owner or operator of the source from which the discharge occurs shall submit to the Administrator a report in writing containing information on the source, nature and cause of the discharge, the date and time of the discharge, the approximate total vinyl chloride loss during the discharge, the method used for determining the vinyl chloride loss, the action that was taken to prevent the discharge, and measures adopted to prevent future discharges.

(b) Stripper: The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from each stripper is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that has been opened, is out of operation, and met the requirement in § 61.65(b)(6)(i) before being opened.

(c) Mixing, weighing, and holding containers: The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from each mixing, weighing, or holding container in vinyl chloride service which precedes the stripper (or the reactor if the plant has no stripper) in the plant process flow is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that has been opened, is out of operation, and met the requirement in § 61.65(b)(6)(i) before being opened.

(d) Monomer recovery system. The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from each monomer recovery system is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that has been opened, is out of operation, and met the requirement in § 61.65(b)(6)(i) before being opened.

(e) Sources following the stripper(s): The following requirements apply to emissions of vinyl chloride to the atmosphere from the combination of all sources following the stripper(s) [or the reactor(s) if the plant has no stripper(s)] in the plant process flow including but not limited to, centrifuges, concentrators, blend tanks, filters, dryers, conveyor air discharges, baggers, storage containers, and inprocess wastewater:

(1) In polyvinyl chloride plants using stripping technology to control vinyl chloride emissions, the weighted average residual vinyl chloride concentration in all grades of polyvinyl chloride resin processed through the stripping operation on each calendar day, measured immediately after the stripping operation is completed, may not exceed:

(i) 2000 ppm for polyvinyl chloride dispersion resins, excluding latex resins;

(ii) 400 ppm for all other polyvinyl chloride resins, including latex resins, averaged separately for each type of resin; or

(2) In polyvinyl chloride plants controlling vinyl chloride emissions with technology other than stripping or in addition to stripping, emissions of vinyl chloride to the atmosphere may not exceed:

(i) 2 g/kg (0.002 lb/lb) product from the stripper(s) [or reactor(s) if the plant has no stripper(s)] for dispersion polyvinyl chloride resins, excluding latex resins, with the product determined on a dry solids basis;

(ii) 0.4 g/kg (0.0004 lb/lb) product from the strippers [or reactor(s) if the plant has no stripper(s)] for all other polyvinyl chloride resins, including latex resins, with the product determined on a dry solids basis.

§ 61.65 Emission standard for ethylene dichloride, vinyl chloride and polyvinyl chloride plants.

An owner or operator of an ethylene dichloride, vinyl chloride, and/or polyvinyl chloride plant shall comply with the requirements of this section.

(a) Relief valve discharge: Except for an emergency relief discharge, there is to be no discharge to the atmosphere from any relief valve on any equipment in vinyl chloride service. An emergency relief discharge means a discharge which could not have been avoided by taking measures to prevent the discharge. Within 10 days of any relief valve discharge, the owner or operator of the source from which the relief valve discharge occurs shall submit to the Administrator a report in writing containing information on the source, nature and cause of the discharge, the date and time of the discharge, the approximate total vinyl chloride loss during the discharge, the method used for determining the vinyl chloride loss, the action that was taken to prevent the discharge, and measures adopted to prevent future discharges.

(b) Fugitive emission sources:

(1) Loading and unloading lines: Vinyl chloride emissions from loading and unleading lines which are opened to the atmosphere after each loading or unloading operation are to be minimized as follows:

(i) After each loading or unloading operation and before opening a loading or unloading line to the atmosphere, the quantity of vinyl chloride in all parts of each loading or unloading line that are to be opened to the atmosphere is to be reduced so that the parts combined contain no greater than 0.0038 m^3 (0.13 ft^3) of vinyl chloride, at standard temperature and pressure; and

(ii) Any vinyl chloride removed from a loading or unloading line in accordance with paragraph (b)(1)(i) of this section is to be ducted through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm, or equivalent as provided in § 61.66.

(2) Slip gauges: During loading or unloading operations, the vinyl chloride emissions from each slip gauge in vinyl chloride service are to be minimized by ducting any vinyl chloride discharged from the slip gauge through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm, or equivalent as provided in § 61.66.

(3) Leakage from pump, compressor, and agitator seals:

(i) Rotating pumps: Vinyl chloride emissions from seals on all rotating pumps in vinyl chloride service are to be minimized by installing sealless pumps, pumps with double mechanical seals, or equivalent as provided in § 61.66. If double mechanical seals are used, vinyl chloride emission from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the pump; by ducting any vinyl chloride between the two seals through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm; or equivalent as provided in § 61.66.

(ii) Reciprocating pumps: Vinyl chloride emissions from seals on all reciprocating pumps in vinyl chloride service are to be minimized by installing double outboard seals, or equivalent as provided in § 61.66. If double outboard seals are used, vinyl chloride emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the pump; by ducting any vinyl chloride between the two seals through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm; or equivalent as provided in § 61.66.

(iii) Rotating compressor: Vinyl chloride emissions from seals on all rotating compressors in vinyl chloride service are to be minimized by installing compressors with double mechanical seals, or equivalent as provided in § 61.66. If double mechanical seals are used, vinyl chloride emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the compressor; by ducting any vinyl chloride between the two seals through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm; or equivalent as provided in § 61.66.

(iv) Reciprocating compressors: Vinyl chloride emissions from seals on all reciprocating compressors in vinyl chloride service are to be minimized by installing double outboard seals, or equivalent as provided in § 61.66. If double outboard seals are used, vinyl chloride emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the compressor; by ducting any vinyl chloride between the two seals through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm; or equivalent as provided in § 61.66.

(v) Agitator: Vinyl chloride emissions from seals on all agitators in vinyl chloride service are to be minimized by installing agitators with double mechanical seals, or equivalent as provided in § 61.66. If double mechanical seals are used, vinyl chloride emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the agitated vessel; by ducting any vinyl chloride between the two seals through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm; or equivalent as provided in § 61.66.

(4) Leakage from relief valves: Vinyl chloride emissions due to leakage from each relief valve on equipment in vinyl chloride service are to be minimized by installing a rupture disk between the equipment and the relief valve, by connecting the relief valve discharge to a process line or recovery system, or equivalent as provided in § 61.66.

(5) Manual venting of gases: Except as provided in § 61.64(a)(3), all gases which are manually vented from equipment in vinyl chloride service are to be ducted through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm; or equivalent as provided in § 61.66.

(6) Opening of equipment: Vinyl chloride emissions from opening of equipment (including loading or unloading lines that are not opened to the atmosphere after each loading or unloading operation) are to be minimized as follows:

(i) Before opening any equipment for any reason, the quantity of vinyl chloride is to be reduced so that the equipment contains no more than 2.0 percent by volume vinyl chloride or 0.0950 m^3 (25 gal) of vinyl chloride, whichever is larger, at standard temperature and pressure; and

(ii) Any vinyl chloride removed from the equipment in accordance with paragraph (b)(6)(i) of this section is to be ducted through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm, or equivalent as provided in § 61.66.

(7) Samples: Unused portions of samples containing at least 10 percent by weight vinyl chloride are to be returned to the process, and sampling techniques are to be such that sample containers in vinyl chloride service are purged into a closed process system.

(8) Leak detection and elimination: Vinyl chloride emissions due to leaks from equipment in vinyl chloride service are to be minimized by instituting and implementing a formal leak detection and elimination program. The owner or operator shall submit a description of the program to the Administrator for approval. The program is to be submitted within 45 days of the effective date of these regulations, unless a waiver of compliance is granted under § 61.11. If a waiver of compliance is granted, the program is to be submitted on a date scheduled by the Administrator. Approval of a program will be granted by the Administrator provided he finds:

(i) It includes a reliable and accurate vinyl chloride monitoring system for detection of major leaks and identification of the general area of the plant where a leak is located. A vinyl chloride monitoring system means a device which obtains air samples from one or more points on a continuous sequential basis and analyzes the samples with gas chromatography or, if the owner or operator assumes that all hydrocarbons measured are vinyl chloride, with infrared spectrophotometry flame ion detection, or an equivalent or alternative method.

(ii) It includes a reliable and accurate portable hydrocarbon detector to be used routinely to find small leaks and to pinpoint the major leaks indicated by the vinyl chloride monitoring system. A portable hydrocarbon detector means a device which measures hydrocarbons with a sensitivity of at least 10 ppm and is of such design and size that it can be used to measure emissions from localized points.

(iii) It provides for an acceptable calibration and maintenance schedule for the vinyl chloride monitoring system and portable hydrocarbon detector. For the vinyl chloride monitoring system, a daily span check is to be conducted with a concentration of vinyl chloride equal to the concentration defined as a leak according to paragraph (b)(8)(vi) of this section. The calibration is to be done with either:

(A) A calibration gas mixture prepared from the gases specified in sections 5.2.1 and 5.2.3 of Test Method 106, or

(B) A calibration gas cylinder containing the appropriate concentration of vinyl chloride. If a calibration gas cylinder is used, the analysis must be traceable to the National Bureau of Standards or to a gravimetrically calibrated vinyl chloride permeation tube.

(iv) The location and number of points to be monitored and the frequency of monitoring provided for in the program are acceptable when they are compared with the number of pieces of equipment in vinyl chloride service and the size and physical layout of the plant.

(v) It contains an acceptable plan of action to be taken when a leak is detected.

(vi) It contains a definition of leak which is acceptable when compared with the background concentrations of vinyl chloride in the areas of the plant to be monitored by the vinyl chloride monitoring system. Measurements of background concentrations of vinyl chloride in the areas of the plant to be monitored by the vinyl chloride monitoring system are to be included with the description of the program. The definition of leak for a given plant may vary among the different areas within the plant and is also to change over time as background concentrations in the plant are reduced.

(9) Inprocess wastewater: Vinyl chloride emissions to the atmosphere from inprocess wastewater are to be reduced as follows:

(i) The concentration of vinyl chloride in each inprocess wastewater stream containing greater than 10 ppm vinyl chloride measured immediately as it leaves a piece of equipment and before being mixed with any other inprocess wastewater stream is to be reduced to no more than 10 ppm by weight before being mixed with any other inprocess wastewater stream which contains less than 10 ppm vinyl chloride; before being exposed to the atmosphere, before being discharged to a wastewater treatment process; or before being discharged untreated as a wastewater. The paragraph does apply to water which is used to displace vinyl chloride from equipment before it is opened to the atmosphere in accordance with § 61.64(a)(2) or paragraph (b)(6) of this section, but does not apply to water which is used to wash out equipment after the equipment has already been opened to the atmosphere in accordance with § 61.64(a)(2) or paragraph (b)(6) of this section.

(ii) Any vinyl chloride removed from the inprocess wastewater in accordance with paragraph (b)(9)(i) of this section is to be ducted through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm, or equivalent as provided in § 61.66.

(c) The requirements in paragraphs (b)(1), (b)(2), (b)(5), (b)(6), (b)(7) and (b)(8) of this section are to be incorporated into a standard operating procedure, anr made available upon request for inspection by the Administrator. The standard operating procedure is to include provisions for measuring the vinyl chloride in equipment ≧4.75 m³ 01250 gal in volume for which an mission limit is prescribed in § 61.65(b)(6)(i) prior to opening the equipment and using Test Method 106, a portable hydrocarbon detector, or an equivalent or alternative method. The method of measurement is to meet the requirements in § 61.67(g)(5)(i)(A) or (g)((5)(i)(B).

§ 61.66 Equivalent equipment and procedures.

Upon written application from an owner or operator, the Administrator may approve use of equipment or procedures which have been demonstrated to his satisfaction to be equivalent in terms of reducing vinyl chloride emissions to the atmosphere to those prescribed for compliance with a specific paragraph of this subpart. For an existing source, any request for using an equivalent method as the initial measure of control is to be submitted to the Administrator within 30 days of the effective date. For a new source, any request for using an equivalent method is to be submitted to the Administrator with the application for approval of construction or modification required by § 61.07.

§ 61.67 Emission tests.

(a) Unless a waiver of emission testing is obtained under § 61.13, the owner or operator of a source to which this subpart applies shall test emissions from the source,

(1) Within 90 days of the effective date in the case of an existing source or a new source which has an initial startup date preceding the effective date, or

(2) Within 90 days of startup in the case of a new source, initial startup of which occurs after the effective date.

(b) The owner or operator shall provide the Administrator at least 30 days prior notice of an emission test to afford the Administrator the opportunity to have an observer present during the test.

(c) Any emission test is to be conducted while the equipment being tested is operating at the maximum production rate at which the equipment will be operated and under other relevant conditions as may be specified by the Administrator based on representative performance of the source.

(d) Each emission test is to consist of three runs. For the purpose of determining emissions, the average of results of all runs is to apply. The average is to be computed on a time weighted basis.

(e) All samples are to be analyzed within 24 hours, and vinyl chloride emissions are to be determined within 30 days after the emission test. The owner or operator shall report the determinations to the Administrator by a registered letter dispatched before the close of the next business day following the determination.

(f) The owner or operator shall retain at the plant and make available, upon request, for inspection by the Administrator, for a minimum of 2 years records of emission test results and other data needed to determine emissions.

(g) Unless otherwise specified, the owner or operator shall use test Test Methods in Appendix B to this part for each test as required by paragraphs (g)(1), (g)(2), (g)(3), (g)(4), and (g)(5) of this section, unless an equivalent method or an alternative method has been approved by the Administrator. If the Administrator finds reasonable grounds to dispute the results obtained by an equivalent or alternative method, he may require the use of a reference method. If the results of the reference and equivalent or alternative methods do not agree, the results obtained by the reference method prevail, and the Administrator may notify the owner or operator that approval of the method previously considered to be equivalent or alternative is withdrawn.

(1) Test Method 106 is to be used to determine the vinyl chloride emissions from any source for which an emission limit is prescribed in §§ 61.62(a) or (b) § 61.63(a), or §§ 61.64(a)(1), (b), (c), or (d), or from any control system to which reactor emissions are required to be ducted in § 61.64(a)(2) or to which fugitive emissions are required to be ducted in §§ 61.65(b)(1)(ii), (b)(2), (b)(5), (b)(6)(ii), or (b)(9)(ii).

(i) For each run, one sample is to be collected. The sampling site is to be at least two stack or duct diameters downstream and one half diameter upstream from any flow disturbance such as a bend, expansion, contraction, or visible flame. For a rectangular cross section an equivalent diameter is to be determined from the following equation:

$$\text{equivalent diameter} = 2\,\frac{(\text{length})\ (\text{width})}{\text{length} + \text{width}}$$

The sampling point in the duct is to be at the centroid of the cross section. The sample is to be extracted at a rate proportional to the gas velocity at the sampling point. The sample is to be taken over a minimum of one hour, and is to contain a minimum volume of 50 liters corrected to standard conditions.

(ii) For gas streams containing more than 10 percent oxygen, the concentration of vinyle chloride as determined by Test Method 106 is to be corrected to 10 percent oxygen for determination of emissions by using the following equation:

$$C_{b\,(\text{corrected})} = C_b\,\frac{10.9}{20.9 - \text{percent } O_2}$$

where:

$C_{b(\text{corrected})}$ = The concentration of vinyl chloride in the exhaust gases, corrected to 10 perpercent oxygen.

C_b = The concentration of vinyl chloride as measured by Test Method 106.

20.9 = Percent oxygen in the ambient air at standard conditions.

10.9 = Percent oxygen in the ambient air at standard conditions, minus the 10 percent oxygen to which the correction is being made.

Percent O_2 = Percent oxygen in the exhaust gas as measured by Reference Method 3 in Appendix A of Part 60 of this chapter.

(iii) For those emission sources where the emission limit is prescribed in terms of mass rather than concentration, mass emissions in kg/100 kg product are to be determined by using the following equation:

$$C_{BX}=\frac{[C_b\ (2.60)\ Q\ 10^{-6}]\ [100]}{Z}$$

where:

C_{BX}=kg vinyl chloride/100 kg product.
C_b=The concentration of vinyl chloride as measured by Test Method 106.
2.60=Density of vinyl chloride at one atmosphere and 20°C in kg/m^3.
Q=Volumetric flow rate in m^3/hr as determined by Reference Method 2 of Appendix A to Part 60 of this chapter.
10^{-6}=Conversion factor for ppm.
Z=Production rate (kg/hr).

(2) Test Method 107 is to be used to determine the concentration of vinyl chloride in each inprocess wastewater stream for which an emission limit is prescribed in § 61.65(b)(9)(i).

(3) Where a stripping operation is used to attain the emission limit in § 61.64(e), emissions are to be determined using Test Method 107 as follows:

(i) The number of strippers and samples and the types and grades of resin to be sampled are to be determined by the Administrator for each individual plant at the time of the test based on the plant's operation.

(ii) Each sample is to be taken immediately following the stripping operation.

(iii) The corresponding quantity of material processed by each stripper is to be determined on a dry solids basis and by a method submitted to and approved by the Administrator.

(iv) At the prior request of the Administrator, the owner or operator shall provide duplicates of the samples required in paragraph (g)(3)(i) of this section.

(4) Where control technology other than or in addition to a stripping operation is used to attain the emission limit in § 61.64(e), emissions are to be determined as follows:

(i) Test Method 106 is to be used to determine atmospheric emissions from all of the process equipment simultaneously. The requirements of paragraph (g)(1) of this section are to be met.

(ii) Test Method 107 is to be used to determine the concentration of vinyl chloride in each inprocess wastewater stream subject to the emission limit prescribed in § 61.64(e). The mass of vinyl chloride in kg/100 kg product in each in process wastewater stream is to be determined by using the following equation:

$$C_{BX}=\frac{[C_d\ R\ 10^{-6}]\ [100]}{Z}$$

where:

C_{BX}=kg vinyl chloride/100 kg product.
C_d=the concentration of vinyl chloride as measured by Test Method 107.
R=water flow rate in l/hr, determined in accordance with a method which has been submitted to and approved by the Administrator.
10^{-6}=Conversion factor for ppm.
Z=Production rate (kg/hr), determined in accordance with a method which has been submitted and approved by the Administrator.

(5) The reactor opening loss for which an emission limit is prescribed in § 61.64(a)(2) is to be determined. The number of reactors for which the determination is to be made is to be specified by the Administrator for each individual plant at the time of the determination based on the plant's operation. For a reactor that is also used as a stripper, the determination may be made immediately following the stripping operation.

(i) Except as provided in paragraph (g)(5)(ii) of this section, the reactor opening loss is to be determined using the following equation:

$$C=\frac{W\ (2.60)\ (10^{-6})\ (Cb)}{YZ}$$

where:

C=kg vinyl chloride emissions/kg product.
W=Capacity of the reactor in m^3.
2.60=Density of vinyl chloride at one atmosphere and 20° C in kg/m^3.
10^{-6}=Conversion factor for ppm.
Cb=ppm by volume vinyl chloride as determined by Test Method 106 or a portable hydrocarbon detector which measures hydrocarbons with a sensitivity of at least 10 ppm.
Y=Number of batches since the reactor was last opened to the atmosphere.
Z=Average kg of polyvinyl chloride produced per batch in the number of batches since the reactor was last opened to the atmosphere.

(A) If Method 106 is used to determine the concentration of vinyl chloride (Cb), the sample is to be withdrawn at a constant rate with a probe of sufficient length to reach the vessel bottom from the manhole. Samples are to be taken for 5 minutes within 6 inches of the vessel bottom, 5 minutes near the vessel center, and 5 minutes near the vessel top.

(B) If a portable hydrocarbon detector is used to determine the concentration of vinyl chloride (Cb), a probe of sufficient length to reach the vessel bottom from the manhole is to be used to make the measurements. One measurement will be made within 6 inches of the vessel bottom, one near the vessel center and one near the vessel top. Measurements are to be made at each location until the reading is stabilized. All hydrocarbons measured are to be assumed to be vinyl chloride.

(C) The production rate of polyvinyl chloride (Z) is to be determined by a method submitted to and approved by the Administrator.

(ii) A calculation based on the number of evacuations, the vacuum involved, and the volume of gas in the reactor is hereby approved by the Administrator as an alternative method for determining reactor opening loss for postpolymerization reactors in the manufacture of bulk resins.

§ 61.68 Emisison monitoring.

(a) A vinyle chloride monitoring system is to be used to monitor on a continuous basis the emissions from the sources for which emission limits are prescribed in § 61.62(a) and (b), § 61.63(a), and § 61.64(a)(1), (b), (c), and (d), and for any control system to which reactor emission are required to be ducted in § 61.65(b)(1)(ii), and (b)(2), (b)(5), (b)(6)(ii), and (b)(9)(ii).

(b) The vinyl chloride monitoring system(s) used to meet the requirement in paragraph (a) of this section is to be a device which obtains air sampels from one or more points on a continuous sequential basis and analyzes the samples with gas chromotography or, if the owner or operator assumes that all hydrocarbons measured are vinyl chloride, with infrared spectrophotometry, flame ion detection, or an equivalent or alternative method. The vinyl chloride monitoring system used to meet the requirements in § 61.65(b)(8)(i) may be used to meet the requirements of this section.

(c) A daily span check is to be conducted for each vinyle chloride monitoring system used. For all of the emission sources listed in paragraph (a) of this section, except the one for which an emission limit is prescribed in § 61.62(b), the daliy span check is to be conducted with a concentration of vinyl chloride equal to 10 ppm. For the emission source for which an emission limit is prescribed in § 61.62(b), the daily span check is to be conducted with a concentration of vinyl chloride which is determined to be equivalent to the emission limit for that source based on the emission test required by § 67.67. The calibration is to be done with either:

(1) A calibration gas mixture prepared from the gases specified in sections 5.2.1 and 5.2.3 of Test Method 106, or

(2) A calibration gas cylinder containing the appropriate concentration of vinyl chloride. If a calibration gas cylinder is used, the analysis must be traceable to the National Bureau of Standards or to a gravimetrically calibrated vinyl chloride permeation tube.

§ 61.69 Initial report.

(a) An owner or operator of any source to which this subpart applies shall submit a statement in writing notifying the Administrator that the equipment and procedural specifications in §§ 61.65 (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7), and (b)(8) are being implemented.

(b)(1) In the case of an existing source or a new source which has an initial startup date preceding the effective date, the statement is to be submitted within 90 days of the effective date, unless a waiver of compliance is granted under § 61.11, along with the information required under § 61.10. If a waiver of compliance is granted, the statement is to be submitted on a date scheduled by the Administrator.

(2) In the case of a new source which did not have an initial startup date preceding the effective date, the statement is to be submitted within 90 days of the initial startup date.

(c) The statement is to contain the following information:

(1) A list of the equipment installed for compliance,

(2) A description of the physical and functional characteristics of each piece of equipment.

(3) A description of the methods which have been incorporated into the standard operating procedures for measuring or calculating the emissions for which emission limits are prescribed in §§ 61.65 (b) (1)(i) and (b)(6)(i),

(4) A statement that each piece of equipment is installed and that each piece of equipment and each procedure is being used.

§ 61.70 Semiannual report.

(a)(2) is to be determined. The number source to which this subpart applies shall submit to the Administrator on September 15 and March 15 of each year a report in writing containing the information required by this section. The first semiannual report is to be submitted following the first full 6 month reporting period after the initial report is submitted.

(b) (1) In the case of an existing source or a new source which has an initial startup date preceding the effective date, the first report is to be submitted within 180 days of the effective date, unless a waiver of compliance is granted under § 61.11. If a waiver of compliance is granted, the first report is to be submitted on a date scheduled by the Administrator.

(2) In the case of a new source which did not have an initial startup date preceding the effective date, the first report is to be submitted within 180 days of the initial startup date.

(c) Unless otherwise specified, the owner or operator shall use the Test Methods in Appendix B to this part to conduct emission tests as required by paragraphs (c) (2) and (c) (3) of this section, unless an equivalent or an alternative method has been approved by the Administrator. If the Administrator finds reasonable grounds to dispute the results obtained by an equivalent or alternative method, he may require the use of a reference method. If the results of the reference and equivalent or alternative methods do not agree, the results obtained by the reference method prevail, and the Administrator may notify the owner or operator that approval of the method previously considered to be equivalent or alternative is withdrawn.

(1) The owner or operator shall include in the report a record of any emissions which averaged over any hour period (commencing on the hour) are in excess of the emission limits prescribed in §§ 61.62(a) or (b), § 61.63(a), or §§ 61.64(a) (1), (b), (c), or (d), or for any control system to which reactor emissions are required to be ducted in § 61.64(a) (2) or to which fugitive emissions are required to be ducted in § 61.65 (b) (1) (ii), (b) (2), (b) (5), (b) (6) (ii), or (b) (9) (ii). The emissions are to be measured in accordance with § 61.68.

(2) In polyvinyl chloride plants for which a stripping operation is used to attain the emisison level prescribed in § 61.64(e), the owner or operator shall include in the report a record of the vinyl chloride content in the polyvinyl chloride resin. Test Method 107 is to be used to determine vinyl chloride content as follows:

(i) If batch stripping is used, one representative sample of polyvinyl chloride resin is to be taken from each batch of each grade of resin immediately following the completion of the stripping, and grade and the date and time the batch is completed. The corresponding quantity of material processed in each stripper batch is to be recorded and identified by resin type and grade and the date and time the batch is completed.

(ii) If continuous stripping is used, one representative sample of polyvinyl chloride resin is to be taken for each grade of resin processed or at intervals of 8 hours for each grade of resin which is being processed, whichever is more frequent. The sample is to be taken as the resin flows out of the stripper and identified by resin type and grade and the date and time the sample was taken. The corresponding quantity of material processed by each stripper over the time period represented by the sample during the eight hour period, is to be recorded and identified by resin type and grade and the date and time it represents.

(iii) The quantity of material processed by the stripper is to be determined on a dry solids basis and by a method submitted to and approved by the Administrator.

(iv) At the prior request of the Administrator, the owner or operator shall provide duplicates of the samples required in paragraphs (c) (2) (i) and (c) (2) (ii) of this section.

(v) The report to the Administrator by the owner or operator is to include the vinyl chloride content found in all the samples required in paragraphs (c) (2) (i) and (c) (2) (ii) of this section, averaged separately for each type of resin, over each calendar day and weighted according to the quantity of each grade of resin processed by the stripper(s) that calendar day, according to the following equation:

$$A_{T_j}=\frac{\sum_{i=1}^{n} P_{G_i} M_{G_i}}{Q_{T_j}}$$

$$=\frac{P_{G_1} M_{G_1}+P_{G_2} M_{G_2}+\ldots+P_{G_n} M_{G_n}}{Q_{T_j}}$$

A=24-hour average concentration of type T_j resin in ppm.
Q=Total production of type T_j resin over the 24-hour period, in kg.
T_j=Type of resin; j=1,2, . . . m where m is total number of resin types produced during the 24-hour period.
M=Concentration of vinyl chloride in one sample of grade G_i resin, in ppm.
P=Production of grade G_i resin represented by the sample, in kg.
G_i=Grade of resin, e.g., G_1, G_2, and G_3.
n=Total number of grades of resin produced during the 24-hour period.

(vi) The owner or operator shall retain at the source and make available for inspection by the Administrator for a minimum of 2 years records of all data needed to furnish the information required by paragraph (c) (2) (v) of this section: The records are to contain the following information:

(A) The vinyl chloride content found in all the samples required in paragraphs (c) (2) (i) and (c) (2) (ii) of this section, identified by the resin type and grade and the time and date of the sample, and

(B) The corresponding quantity of polyvinyl chloride resin processed by the stripper(s), identified by the resin type and grade and the time and date it represents.

(3) The owner or operator shall include in the report a record of the emissions from each reactor opening for which an emission limit is prescribed in § 61.64(a) (2). Emissions are to be determined in accordance with § 61.67(g) (5), except that emissions for each reactor are to be determined. For a reactor that is also used as a stripper, the determination may be made immediately following the stripping operation.

§ 61.71 Recordkeeping.

(a) The owner or operator of any source to which this subpart applies shall retain the following information at the source and make it available for inspection by the Administrator for a minimum of two years;

(1) A record of the leaks detected by the vinyl chloride monitoring system, as required by § 61.65(b) (8), including the concentrations of vinyl chloride as measured, analyzed, and recorded by the vinyl chloride detector, the location of each measurement and the date and approximate time of each measurement.

(2) A record of the leaks detected during routine monitoring with the portable hydrocarbon detector and the action taken to repair the leaks, as required by § 61.65(b) (8), including a brief statement explaining the location and cause of each leak detected with the portable hydrocarbon detector, the date and time of the leak and any action taken to eliminate that leak measured in accordance with § 61.68.

(3) For the relief discharges from reactors subject to the provisions of § 61.65(a), a daily operating record for each reactor, including pressures and temperatures.

2. Appendix B is amended by adding Test Methods 106 and 107 as follows:

METHOD 106—DETERMINATION OF VINYL CHLORIDE FROM STATIONARY SOURCES

INTRODUCTION

Performance of this method should not be attempted by persons unfamiliar with the operation of a gas chromatograph, nor by those who are unfamiliar with source sampling, as there are many details that are beyond the scope of this presentation. Care must be exercised to prevent exposure of sampling personnel to vinyl chloride, a carcinogen.

1. Principle and Applicability.

1.1 An integrated bag sample of stack gas containing vinyl chloride (chloroethylene) is subjected to chromatographic analysis, using a flame ionization detector.

1.2 The method is applicable to the measurement of vinyl chloride in stack gases from ethylene dichloride, vinyl chloride and polyvinyl chloride manufacturing processes, except where the vinyl chloride is contained in particulate matter.

2. Range and Sensitivity.

The lower limit of detection will vary according to the chromatograph used. Values reported include 1 × 10^{-7} mg and 4 × 10^{-7} mg.

3. Interferences.

Acetaldehyde, which can occur in some vinyl chloride sources, will interfere with the vinyl chloride peak from the Chromosorb 102 column. See sections 4.3.2 and 6.4. If resolution of the vinyl chloride peak is still not satisfactory for a particular sample, then chromatograph parameters can be further altered with prior approval of the Administrator. If alteration of the chromatograph parameters fails to resolve the vinyl chloride peak, then supplemental confirmation of the vinyl chloride peak through an absolute analytical technique, such as mass spectroscopy, must be performed.

4. Apparatus.

4.1 Sampling (Figure 1).

4.1.1 Probe—Stainless steel, Pyrex glass, or Teflon tubing according to stack temperature, each equipped with a glass wool plug to remove particulate matter.

4.1.2 Sample line—Teflon, 6.4 mm outside diameter, of sufficient length to connect probe to bag. A new unused piece is employed for each series of bag samples that constitutes an emission test.

4.1.3 Male (2) and female (2) stainless steel quick-connects, with ball checks (one pair without) located as shown in Figure 1.

4.1.4 Tedlar bags, 100 liter capacity—To contain sample. Teflon bags are not acceptable. Aluminized Mylar bags may be used, provided that the samples are analyzed within 24 hours of collection.

4.1.5 Rigid leakproof containers for 4.1.4, with covering to protect contents from sunlight.

4.1.6 Needle valve—To adjust sample flow rate.

4.1.7 Pump—Leak-free. Minimum capacity 2 liters per minute.

4.1.8 Charcoal tube—To prevent admission of vinyl chloride to atmosphere in vicinity of samplers.

4.1.9 Flow meter—For observing sample flow rate; capable of measuring a flow range from 0.10 to 1.00 liter per minute.

4.1.10 Connecting tubing—Teflon, 6.4 mm outside diameter, to assemble sample train (Figure 1).

4.1.11 Pitot tube—Type S (or equivalent), attached to the probe so that the sampling flow rate can be regulated proportional to the stack gas velocity.

4.2 Sample recovery.

4.2.1 Tubing—Teflon, 6.4 mm outside diameter, to connect bag to gas chromatograph sample loop. A new unused piece is employed for each series of bag samples that constitutes an emission test, and is to be discarded upon conclusion of analysis of those bags.

4.3 Analysis.

4.3.1 Gas chromatograph—With flame ionization detector, potentiometric strip chart recorder and 1.0 to 5.0 ml heated sampling loop in automatic sample valve.

4.3.2 Chromatographic column—Stainless steel, 2.0 × 3.2 mm, containing 80/100 mesh Chromosorb 102. A secondary colum of GE SF-96, 20% on 60/80 mesh AW Chromosorb P, stainless steel, 2.0 m × 3.2 mm, will be required if acetaldehyde is present. If used, the SF-96 column is placed after the Chromosorb 102 column. The combined columns should then be operated at 110°C.

4.3.3 Flow meters (2)—Rotameter type, 0 to 100 ml/min capacity, with flow control valves.

4.3.4 Gas regulators—For required gas cylinders.

4.3 5 Thermometer—Accurate to one degree centigrade, to measure temperature of heated sample loop at time of sample injection.

4.3.6 Barometer—Accurate to 5 mm Hg, to measure atmospheric pressure around gas chromatograph during sample analysis.

4.3.7 Pump—Leak-free. Minimum capacity 100 ml/min.

4.4 Calibration.

4.4.1 Tubing—Teflon, 6.4 mm outside diameter, separate pieces marked for each calibration concentration.

4.4.2 Tedlar bags—Sixteen-inch square size, separate bag marked for each calibration concentration.

4.4.3 Syringe—0.5 ml, gas tight.

4.4.4 Syringe—50μl, gas tight.

4.4.5 Flow meter—Rotameter type, 0 to 1000 ml/min range accurate to ±1%, to meter nitrogen in preparation of standard gas mixtures.

4.4.6 Stop watch—Of known accuracy, to time gas flow in preparation of standard gas mixtures.

5. Reagents. It is necessary that all reagents be of chromatographic grade.

5.1 Analysis.

5.1.1 Helium gas or nitrogen gas—Zero grade, for chromatographic carrier gas.

5.1.2 Hydrogen gas—Zero grade.

5.1.3 Oxygen gas, or Air, as required by the detector—Zero grade.

5.2 Calibration.

5.2.1 Vinyl chloride, 99.9+%—For preparation of standard gas mixtures.

5.2.2 Calibration cylinders (3), optional—One each of 50, 10 and 5 ppm vinyl chloride in nitrogen with certified analysis. Analysis must be traceable to NBS (National Bureau of Standards) or to a gravimetrically calibrated vinyl chloride permeation tube.

5.2.3 Nitrogen gas—Zero grade, for preparation of standard gas mixtures.

6. Procedure.

6.1 Sampling. Assemble the sample train as in Figure 106-1. Perform a bag leak check according to Section 7.4. Observe that all connections between the bag and the probe are tight. Place the end of the probe at the centroid of the stack and start the pump with the needle valve adjusted to yield a flow of 0.5 lpm. After a period of time sufficient to purge the line several times has elapsed, connect the vacuum line to the bag and evacuate the bag until the rotameter indicates no flow. Then reposition the sample and vacuum lines and begin the actual sampling, keeping the rate proportional to the stack velocity. Direct the gas exiting the rotameter away from sampling personnel. At the end of the sample period, shut off the pump, disconnect the sample line from the bag, and disconnect the vacuum line from the bag container. Protect the bag container from sunlight.

6.2 Sample storage. Sample bags must be kept out of direct sunlight. When at all possible, analysis is to be performed within 24 hours of sample collection.

6.3 Sample recovery. With a piece of Teflon tubing identified for that bag, connect a bag inlet valve to the gas chromatograph sample valve. Switch the valve to withdraw gas from the bag through the sample loop. Plumb the equipment so the sample gas passes from the sample valve to the leak-free pump, and then to a charcoal tube, followed by a 0-100 ml/min rotameter with flow control valve.

6.4 Analysis. Set the column temperature to 100° C the detector temperature to 150° C. and the sample loop temperature to 70° C. When optimum hydrogen and oxygen flow rates have been determined verify and maintain these flow rates during all chromatograph operations. Using zero helium or nitrogen as the carrier gas, establish a flow rate in the range consistent with the manufacturer's requirements for satisfactory detector operation. A flow rate of approximately 40 ml/min should produce adequate separations. Observe the base line periodically and determine that the noise level has stabilized and that base line drift has ceased. Purge the sample loop for thirty seconds at the rate of 100 ml/min, then activate the sample valve. Record the injection time (the position of the pen on the chart at the time of sample injection), the sample number, the sample loop temperature, the column temperature, carrier gas flow rate, chart speed and the attenuator setting. Record the laboratory pressure. From the chart, select the peak having the retention time corresponding to vinyl chloride, as determined in Section 7.2. Measure the peak area, A_m, by use of H_m, and a disc integrator or a planimeter. Measure the peak height, H_m. Record A_m and the retention time. Repeat the injection at least two times or until two consecutive vinyl chloride peaks do not vary in area more than 5%. The average value for these two areas will be used to compute the bag concentration.

Compare the ratio of H_m to A_m for the vinyl chloride sample with the same ratio for the standard peak which is closest in height. As a guideline, if these ratios differ by more than 10%, the vinyl chloride peak may not be pure (possibly acetaldehyde is present) and the secondary column should be employed (see Section 4.3.2).

6.5 Measure the ambient temperature and barometric pressure near the bag. (Assume the relative humidity to be 100 percent.) From a water saturation vapor pressure table, determine the record and water vapor content of the bag.

7. Calibration and Standards.

7.1 Preparation of vinyl chloride standard gas mixtures. Evacuate a sixteen-inch square Tedlar bag that has passed a leak check (described in Section 7.4) and meter in 5.0 liters of nitrogen. While the bag is filling, use the 0.5 ml syringe to inject 250μl of 99.9+% vinyl chloride through the wall of the bag. Upon withdrawing the syringe needle, immediately cover the resulting hole with a piece of adhesive tape. This gives a concentration of 50 ppm of vinyl chloride. In a like manner use the other syringe to prepare dilutions having 10 and 5 ppm vinyl chloride concentrations. Place each bag on a smooth surface and alternately depress opposite sides of the bag 50 times to further mix the gases.

7.2 Determination of vinyl chloride retention time. This section can be performed simultaneously with Section 7.3. Establish chromatograph conditions identical with those in Section 6.3, above. Set attenuator to X 1 position. Flush the sampling loop with zero helium or nitrogen and activate the sample valve. Record the injection time, the sample loop temperature, the column temperature, the carrier gas flow rate, the chart speed and the attenuator setting. Record peaks and detector responses that occur in the absence of vinyl chloride. Maintain conditions. With the equipment plumbing arranged identically to Section 6.3, flush the sample loop for 30 seconds at the rate of 100 ml/min with one of the vinyl chloride calibration mixtures and activate the sample valve. Record the injection time. Select the peak that corresponds to vinyl chloride. Measure the distance on the chart from the injection time to the time at which the peak maximum occurs. This quantity, divided by the chart speed, is defined as the retention time. Record.

7.3 Preparation of chromatograph calibration curve. Make a gas chromatographic measurement of each standard gas mixture (described in Section 7.1) using conditions identical with those listed in Section 6.3 above. Flush the sampling loop for 30 seconds at the rate of 100 ml/min with each standard gas mixture and activate the sample valve. Record C_c, the concentrations of vinyl chloride injected, the attenuator setting, chart speed, peak area, sample loop temperature, column temperature, carrier gas flow rate, and retention time. Record the laboratory pressure. Calculate A_c, the peak area multi-

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[1] Mention of trade names on specific products does not constitute endorsement by the Environmental Protection Agency.

plied by the attenuator setting. Repeat until two injection areas are within 5%, then plot those points vs C_c. When the other concentrations have been plotted, draw a smooth curve through the points. Perform calibration daily, or before and after each set of bag samples, whichever is more frequent.

7.4 Bag leak checks. While performance of this section is required subsequent to bag use, it is also advised that it be performed prior to bag use. After each use, make sure a bag did not develop leaks as follows. To leak check, connect a water manometer and pressurize the bag to 5–10 cm H_2O (2–4 in H_2O). Allow to stand for 10 minutes. Any displacement in the water manometer indicates a leak. Also check the rigid container for leaks in this manner.

(NOTE: An alternative leak check method is to pressurize the bag to 5–10 cm H_2O or 2–4 in. H_2O and allow to stand overnight. A deflated bag indicates a leak.) For each sample bag in its rigid container, place a rotameter in-line between the bag and the pump inlet. Evacuate the bag. Failure of the rotameter to register zero flow when the bag appears to be empty indicates a leak.

8. Calculations.

8.1 Determine the sample peak area as follows:

$$A_c = A_m A_f$$

Equation 106-1

where:

A_c=The sample peak area.

A_m=The measured peak area.

A_f=The attenuation factor.

8.2 Vinyl chloride concentrations. From the calibration curve described in Section 7.3, above, select the value of C_c that corresponds to A_c, the sample peak area. Calculate C_b as follows:

$$C_b = \frac{C_c P_r T_i}{P_i T_r (1 - B_{wb})}$$

Equation 106-2

Where:

B_{wb}=The water vapor content of the bag samble, as analyzed.

C_b=The concentration of vinyl chloride in the bag sample in ppm.

C_c=The concentration of vinyl chloride indicated by the gas chromatograph, in ppm.

P_r=The reference pressure, the laboratory pressure recorded during calibration, mm Hg.

T_i=The sample loop temperature on the absolute scale at the time of analysis, °K.

P_i=The laboratory pressure at time of analysis, mm Hg.

T_r=The reference temperature, the sample loop temperature recorded during calibration, °K·

9. References.

1. Brown, D. W., Loy, E. W. and Stephenson, M. H. "Vinyl Chloride Monitoring Near the B. F. Goodrich Chemical Company in Louisville, Kentucky." Region IV, U.S. Environmental Protection Agency, Surveillance and Analysis Division, Athens, Georgia, June 24, 1974.

2. "Evaluation of A Collection and Analytical Procedure for Vinyl Chloride in Air," by G. D. Clayton and Associates, December 13, 1974. EPA Contract No. 68-02-1408, Task Order No. 2, EPA Report oN. 75-VCL-1.

3. "Standardization of Stationary Source Emission Method for Vinyl Chloride," by Midwest Research Institute, 1976. EPA Contract No. 68-02-1098, Task Order No. 7.

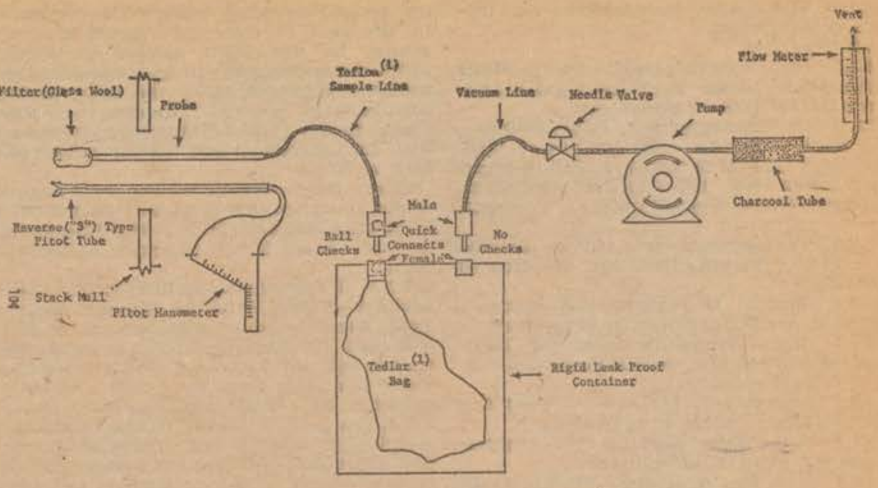

Figure 106-1. Integrated bag sampling train.

(1) Mention of trade names on specific products does not constitute endorsement by the Environmental Protection Agency.

METHOD 107—DETERMINATION OF VINYL CHLORIDE CONTENT OF INPROCESS WASTEWATER SAMPLES, AND VINYL CHLORIDE CONTENT OF POLYVINYL CHLORIDE RESIN, SLURRY, WET CAKE, AND LATEX SAMPLES

INTRODUCTION

Performance of this method should not be attempted by persons unfamiliar with the operation of a gas chromatograph, nor by those who are unfamiliar with sampling, as there are many details that are beyond the scope of this presentation. Care must be exercised to prevent exposure of sampling personnel to vinyl chloride, a carcinogen.

1. Principle and Applicability.

1.1 The basis for this method relates to the vapor equilibrium which is established between RVCM, PVC, resin, water, and air in a closed system. It has been demonstrated that the RVCM in a PVC resin will equilibrate in a closed vessel quite rapidly, provided that the temperature of the PVC resin is maintained above the glass transition temperature of that specific resin.

1.2 This procedure is suitable for determining the vinyl chloride monomer (VCM) content of inprocess wastewater samples, and the residual vinyl chloride monomer (RVCM) content of polyvinyl chloride (PVC) resins, wet cake, slurry, and latex samples. It cannot be used for polymer in fused form, such as sheet or cubes. If a resolution of the vinyl chloride peak is not satisfactory for a particular sample, then chromatograph parameters may be altered with prior approval of the Administrator. If there is reason to believe that some other hydrocarbon with an identical retention time is present in the sample, then supplemental confirmation of the vinyl chloride peak through an absolute analytical technique, such as mass spectroscopy, should be performed.

2. Range and Sensitivity.

The lower limit of detection of vinyl chloride will vary according to the chromatograph used. Values reported include 1×10^{-7} mg and 4×10^{-7} mg. With proper calibration, the upper limit may be extended as needed.

3. Precision and Reproducibility.

An interlaboratory comparison between seven laboratories of three resin samples, each split into three parts, yielded a standard deviation of 2.63% for a sample with a mean of 2.09 ppm, 4.16% for a sample with a mean of 1.66 ppm, and 5.29% for a sample with a mean of 62.66 ppm.

4. Safety.

Do not release vinyl chloride to the laboratory atmosphere during preparation of standards. Venting or purging with VCM/air mixtures must be held to a minimum. When they are required, the vapor must be routed to outside air. Vinyl chloride, even at low ppm levels, must never be vented inside the laboratory. After vials have been analyzed, the pressure within the vial must be vented prior to removal from the instrument turntable. Vials must be vented into an activated charcoal tube using a hypodermic needle to prevent release of vinyl chloride into the laboratory atmosphere. The charcoal must be replaced prior to vinyl chloride breakthrough.

5. Apparatus.

5.1 Sampling.

5.1.1 Bottles—60 ml (2 oz), with waxed lined screw on tops, for PVC samples.

5.1.2 Vials—50 ml Hypo-vials,[1] sealed with Teflon faced Tuf-Bond discs for water samples.

5.1.3 Electrical tape—or equivalent, to prevent loosening of bottle tops.

5.2 Sample recovery.

5.2.1 Vials—With seals and caps, Perkin-Elmer Corporation No. 105-0118, or equivalent.

5.2.2 Analytical balance—Capable of weighing to ±0.001 gram.

5.2.3. Syringe, 100 μl—Precision Series "A" No. 010025, or equivalent.

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[1] Mention of trade names on specific products does not constitute endorsement by the Environmental Protection Agency.

5.2.4 Vial Sealer, Perkin-Elmer No. 105-0106 or equivalent.

5.3 Analysis.

5.3.1 Gas chromatograph—Perkin-Elmer Corporation Model F-40 head-space analyzer, No. 104-0001, or equivalent.

5.3.2 Chromatographic column—Stainless steel, 2 m×3.2 mm, containing 0.4% Carbowax 1500 on Carbopak A, Perkin-Elmer Corporation No. 105-0133, or equivalent. Carbopak C can be used in place of Carbopak A.

5.3.3 Thermometer—0 to 100° C, accurate to ±0.1° C, Perkin-Elmer No. 105-0109 or equivalent.

5.3.4. Sample tray thermostat system—Perkin-Elmer No. 105-0103, or equivalent.

5.3.5 Septa—Sandwich type, for automatic dosing, 13 mm, Perkin-Elmer No. 105-1008, or equivalent.

5.3.6 Integrator - recorder — Hewlett - Packard Model 3380A, or equivalent.

5.3.7 Filter drier assembly (3)—Perkin-Elmer No. 2230117, or equivalent.

5.3.8 Soap film flowmeter—Hewlett Packard No. 0101-0113, or equivalent.

5.4 Calibration.

5.4.1 Regulators—for required gas cylinders.

6. Reagents.

6.1 Analysis.

6.1.1 Hydrogen gas—zero grade.

6.1.2 Nitrogen gas—zero grade.

6.1.3 Air—zero grade.

6.2 Calibration.

6.2.1 Standard cylinders (4)—one each of 50, 500, 2000, and 4000 ppm vinyl chloride in nitrogen, with certified analysis.

7. Procedure.

7.1 Sampling.

7.1.1 PVC sampling—Allow the resin or slurry to flow from a tap on the tank or silo until the tap line has been well purged. Extend a 60 ml sample bottle under the tap, fill, and immediately tightly cap the bottle. Wrap electrical tape around the cap and bottle to prevent the top from loosening. Place an identifying label on each bottle, and record the date, time, and sample location both on the bottles and in a log book.

7.1.2 Water sampling—Prior to use, the 50 ml vials (without the discs) must be capped with aluminum foil and muffled at 400°C for at least one hour to destroy or remove any organic matter that could interfere with analysis. At the sampling location fill the vials bubble-free, to overflowing so that a convex meniscus forms at the top. The excess water is displaced as the sealing disc is carefully placed, Teflon side down, on the opening of the vial. Place the aluminum seal over the disc and the neck of the vial and crimp into place. Affix an identifying label on the bottle, and record the date, time, and sample location both on the vials and in a log book. All samples must be kept refrigerated until analyzed.

7.2 Sample recovery. Samples must be run within 24 hours.

7.2.1 Resin samples—The weight of the resin used must be between 0.1 and 4.5 grams. An exact weight must be obtained (±0.001 gram) for each sample. In the case of suspension resins a volumetric cup can be prepared which will hold the required amount of sample. The sample bottle is opened, and the cup volume of resin is added to the tared sample vial (including septum and aluminum cap). The vial is immediately sealed and the exact sample weight is then obtained. Report this value on the data sheet as it is required for calculation of RVCM. In the case of relatively dry resin samples (water content <0.3 weight %), 100 μl of distilled water must be injected into the vial, after sealing and weighing, using a 100 μl syringe. In the case of dispersion resins, the cup cannot be used. The sample is instead weighed approximately in an aluminum dish, transferred to the tared vial and weighed accurately in the vial. The sample is then placed in the Perkin-Elmer head space analyzer (or equivalent) and conditioned for one hour at 90°C.

NOTE: Some aluminum vial caps have a center section which must be removed prior to placing into sample tray. If not removed, serious damage to the injection needle will occur.

7.2.2 Suspension resin slurry and wet cake samples—Slurry must be filtered using a small Buchner funnel with vacuum to yield wet cake. The filtering process must be continued only as long as a steady stream of water is exiting from the funnel. Excessive filtration time could result in some loss of VCM. The wet cake sample (0.10 to 4.5 grams) is added to a tared vial (including septum and aluminum cap) and immediately sealed. Sample weight is then determined to 3 decimal places. The sample is then placed in the Perkin-Elmer head space analyzer (or equivalent) and conditioned for one hour at 90°C. A sample of wet cake is used to determine TS (total solids). This is required for calculating the RVCM.

7.2.3 Dispersion resin slurry samples.—This material should not be filtered. Sample must be thoroughly mixed. Using a tared vial (including septum and aluminum cap) add approximately 8 drops (0.25 to 0.35 grams) of slurry or latex using a medicine dropper. This should be done immediately after mixing. Seal the vial as soon as possible. Determine sample weight accurate to 0.001 grams. Total sample weight must not exceed 0.50 grams. Condition the vial for one hour at 90°C in the analyzer. Determine the TS on the slurry sample (Section 7.3.5).

7.2.4 Inprocess wastewater samples—Using a tared vial (including septum and aluminum cap) quickly add approximately 1 cc of water using a medicine dropper. Seal the vial as soon as possible. Determine sample weight accurate to 0.001 gram. Condition the vial for two hours at 90°C in the analyzer.

7.3 Analysis.

7.3.1 Preparation of gas chromatograph—Install the chromatographic column and condition overnight at 150°C. Do not connect the exit end of the column to the detector while conditioning.

7.3.1.1 Flow rate adjustments—Adjust flow rates as follows:

a. Nitrogen carrier gas—Set regulator on cylinder to read 50 psig. Set regulator on chromatograph to 1.3 kg/cm^2. Normal flows at this pressure should be 25 to 40 cc/minute. Check with bubble flow meter.

b. Burner air supply—Set regulator on cylinder to read 50 psig. Set regulator on chromatograph to supply air to burner at a rate between 250 and 300 cc/minute. Check with bubble flowmeter.

3. Hydrogen supply—Set regulator on cylinder to read 30 psig. Set regulator on chromatograph to supply approximately 35±5 cc/minute. Optimize hydrogen flow to yield the most sensitive detector response without extinguishing the flame. Check flow with bubble meter and record this flow

7.3.1.2 Temperature adjustments—Set temperatures as follows:

a. Oven (chromatographic column), 50° C.

b. Dosing line, 140° C.

c. Injection block, 140° C.

d. Sample chamber, water temperature, 90° C±1.0° C.

7.3.1.3 Ignition of flame ionization detector—Ignite the detector according to the manufacturer's instructions.

7.3.1.4 Amplifier balance—Balance the amplifier according to the manufacturer's instructions.

7.3.2 Programming the chromatograph—Program the chromatograph as follows:

a. I—Dosing time—The normal setting is 2 seconds.

b. A—Analysis time—The normal setting is 8 minutes. Certain types of samples contain high boiling materials which can cause interference wtih the vinyl chloride peak on subsequent analyses. In these cases the analysis time must be adjusted to eliminate the interference. An automated backflush system can also be used to solve this problem.

c. B—Flushing—The normal setting is 0.2 minutes.

d. W—Stabilization time—The nomal setting is 0.2 minutes.

e. X—Number of analyses per sample—The normal setting is 1.

7.3.3 Preparation of sample turntable—Before placing any sample into turntable, be certain that the center section of the aluminum cap has been removed. The numbered sample bottles should be placed in the corresponding numbered positions in the turntable. Insert samples in the following order:

Positions 1 & 2—Old 2000 ppm standards for conditioning. These are necessary only after the analyzer has not been used for 24 hours or longer.

Position 3—50 ppm standard, freshly prepared.

Position 4—500 ppm standard, freshly prepared.

Position 5—2000 ppm standard, freshly prepared.

Position 6—4000 ppm standard, freshly prepared.

Position 7—Sample No. 7 (This is the first sample of the day, but is given as 7 to be consistent with the turntable and the integrator printout.)

After all samples have been positioned, insert the second set of 50, 500, 2000, and 4000 ppm standards. Samples, including standards must be conditioned in the bath of 90° C for 1 hour (not to exceed 5 hours).

7.3.4 Start chromatograph program—When all samples, including standards, have been conditioned at 90° C for 1 hour, start the analysis program according to the manufacturers' instructions. These instructions must be carefully followed when starting and stopping program to prevent damage to the dosing assembly.

7.3.5 Determination of total solids (TS).

For wet cake, slurry, resin solution, and PVC latex samples, determine TS for each sample by accurately weighing approximately 3 to 4 grams of sample in an aluminum pan before and after placing in a draft oven (105 to 110° C). Samples must be dried to constant weight. After first weighing return the pan to the oven for a short period of time and then reweigh to verify complete dryness. TS is then calculated as the final sample weight divided by initial sample weight.

8. Calibration.

Calibration is to be performed each eight-hour period when the instrument is used. Each day, prior to running samples, the column should be conditioned by running two of the previous days 2000 ppm standards.

8.1 Preparation of Standards.

Calibration standards are prepared by filling the vials with the vinyl chloride/nitrogen standards, rapidly seating the septum and sealing with the aluminum cap. Use a stainless steel line from the cylinder to the vial. Do not use rubber or tygon tubing. The sample line from the cylinder must be purged (into hood) for several minutes prior to filling vials. After purging, reduce the flow rate to approximately 500–1000 cc/min. Place end of tubing into vial (near bottom) and after one minute slowly remove tubing. Place septum in vial as soon as possible to minimize mixing air with sample. After the standard vials are sealed, inject 100μl of distilled water.

8.2 Preparation of chromatograph calibration curve.

Prepare two 50 ppm, two 500 ppm, two 2000 ppm, and two 4000 ppm standard samples. Run the calibration samples in exactly the same manner as regular samples. Plot A_s, the integrator area counts for each standard sample vs C_c, the concentration of vinyl chloride in each standard sample. Draw a line of best fit through the points.

9. Calculations.

9.1 Response factor.

From the calibration curve described in Section 8.2, above, select the value of C_c that corresponds to A_s for each sample. Compute the response factor, R_f, for each sample, as follows:

$$R_f = \frac{A_s}{C_c} \quad \text{Equation 107-1}$$

9.2 Residual vinyl chloride monomer concentration, or vinyl chloride monomer concentration.

Calculate C_{rvc} as follows:

$$C_{rvc} = \frac{A_s P_a}{R_f T_1} \left(\frac{M_v V_g}{m_t R} + K T_2 \right)$$

Equation 107–2

where:

C_{rvc}=Concentration of vinyl chloride in the sample, in ppm.
P_a=Laboratory atmosphere pressure, mm Hg.
T_1=Room temperature, °K.
M_v=Molecular weight of VCM (62.5).
V_g=Volume of vapor phase (vial volume less sample volume).
m_t=Weight of sample, grams.
R=Gas constant (62,360).
K=Henry's Law constant for VCM in PVC at 90°C, $K=6.52\times10^{-6}=K_p$ for VCM in 1 cc (approximate) wastewater sample at 90°C, $K=5.0\times10^{-6}=K_w$.
T_2=Equilibration temperature, °K.

If the following conditions are met, Equation 107-2 can be simplified as follows:

1. $T_1=22°$ C (295° K).
2. $T_2=90°$ C (363° K).
3. $P_a=750$ mm. Hg.
4. $V_g = V_v - \frac{m_t}{1.4} = 23.5 - \frac{1m}{t}$

where

V_v=Vial volume, cc (23.5).

5. Sample contains less than 0.5% water.

$$C_{rvc} = \frac{A_s}{R_f} \left(4.197\times10^{-3} + \frac{5.988\times10^{-2}}{m_t} \right)$$

Equation 107–3

The following general equation can be used for any sample which contains VCM, PVC and/or water.

$$C_{rvc} = \frac{A_s P_a}{R_f T_1}$$

$$\times \left[\frac{M_v V_g}{R m_t} + K_p (TS)\, T_2 + K_w (1 - TS) T_2 \right]$$

Equation 107–4

where:

T_s=Total solids.

Note: K_w must be determined.

Results calculated using Equation 107–4 represent concentration based on the total sample. To obtain results based on dry PVC content, divide by TS.

For a 1 cc (approximate) wastewater sample, Equation 107-4 can be simplified to the following:

$$C_{rvc} = \frac{A_s}{R_f} \left[\frac{5.988\times10^{-2}}{m_t} + (2.066\times10^{-3}) \right]$$

Equation 107–5

10. References.

1. Residual Vinyl Chloride Monomer Content of Polyvinyl Chloride Resins and Wet Cake Samples, B. F. Goodrich Chemical Co. Standard Test Procedure No. 1005–T. B. F. Goodrich Technical Center, Avon Lake, Ohio. January 30, 1975.

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4. Berens, A. R., L. B. Crider, C. J. Tomanek and J. M. Whitney, Analysis for Vinyl Chloride in PVC Powders by Head-Space Gas Chromatography," to be published.

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THURSDAY, OCTOBER 21, 1976

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PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

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WOMEN'S EDUCATIONAL EQUITY PROGRAM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 160f]

WOMEN'S EDUCATIONAL EQUITY

Advance Notice of Proposed Rulemaking

Notice is hereby given that under the authority contained in 20 U.S.C. 1866, the Women's Educational Equity Act, the Office of Education is considering rulemaking for the Women's Educational Equity Act (known as WEEA) Program.

The purpose of this notice is to provide interested members of the public with an opportunity to offer their ideas and specific recommendations with regard to possible changes in policy (before such changes are fully developed and articulated in proposed regulations) in order to assist the Office of Education in further considering whether the policy changes are appropriate, how they might be fashioned, and, as appropriate, in developing proposed amendments to the program regulation.

GENERAL GRANTS

The priority areas for general grants in Fiscal Year 1976 addressed the most general needs in educational equity for women. This general coverage of levels of education, target populations, and content areas will be continued in Fiscal Year 1977. The Program will also continue to support only projects to develop special materials, new information, or model programs which can be field tested and ultimately disseminated nationally or regionally—a program requirement known as "capacity building." Projects will not be supported whose primary significance lies in the provision of direct benefits to applicant organizations and individuals. There cannot be discrimination on the basis of sex, race, handicap, age, or national origin with respect to participation in projects funded under this program, although certain projects may focus on research, materials development, and validation activities related to the needs of specific age groups, target populations, or regional areas.

The designation of priority areas for the review of applications for general grant awards does not preclude the award of applications falling outside the priority areas, as provided in the existing program regulation (45 CFR 160f.8(b)(2)(iii), 41 FR 6420, 6439, February 12, 1976). However, a grant application which fits within a priority area can, as a result, earn extra points and thereby receive a higher rating.

Under the existing program regulation, the three priority areas for general grant awards are:

(a) Modules on sexism in education (such as for use in training);

(b) Programs for educational leadership;

(c) Program development related to career preparation (45 CFR 160f.12, 41 FR 6420, 6441, February 12, 1976). It is proposed that additional priority areas be established in FY 1977 where the focus will be narrowed to concentrate program development in two areas of special concern.

SPECIAL LEVEL OF EDUCATION

One proposed priority area is a target age group—preschool. Activities for this level are specifically authorized under the Act. A number of public comments on the regulations last year urged that special attention be given to this level because of the widely recognized fact that the early education of the child has such a significant impact on options and choices for the whole of one's life. Therefore, rather than place substantial resources on corrective measures at later levels, it was recommended that special priority be given to the prevention of educational inequities based on sex.

It is proposed that program development be focused on school and community approaches to educational equity in early childhood. The assumption is that the best way to respect the legitimate concerns of different cultural, racial, ethnic, regional, socioeconomic and other groups in their approach to the education of young children is to bring local schools and communities together to develop programs for educational equity for women.

While it is proposed that preschool constitute the level of education to receive priority and that joint school and community aproaches be the major approach to this program focus, comments are invited which favor concentration on other levels of education or approaches.

Within the context of the proposed priority on school and community approaches to educational equity for women in early childhood education, the Office of Education solicits comments on a number of issues related to any development of regulations for this area. Comments on any other issues are also invited.

1. At how early an age should WEEA efforts focus?

2. What emphasis should be given to research?

3. What relationship should or should not be developed with Head Start or Follow Through models?

4. How much attention should be given to different conceptual models of child development?

5. What are the special educational needs during preschool years that are related to (a) minority background, (b) being handicapped, (c) urban or rural environment, (d) being gifted or talented?

6. How can a variety of models best be developed focusing on the areas under question 5?

7. How should supplementary evaluation criteria for this priority area be formulated?

SPECIAL TARGET POPULATIONS

Another area of concern proposed as a priority for FY 1977 is the needs of particular target populations within the general population covered by the law. It is proposed that a new priority area focus on program development for the needs of those populations characterized by rural environments or by historic discrimination on bases other than sex.

Comments are solicited on the basic approaches to the greatest needs in this area which can be met by projects appropriate for WEEA support. Job training programs of the type supported by the Comprehensive Employment and Training Act (CETA) Program and extensive support of the mass media are not possible under WEEA. On the other hand, innovative use of the media may be the most cost effective means of reaching people located at great distances from each other and from educational and other opportunities.

Within the context of this proposed priority area, the Office of Education solicits comments on the following issues, although advice on other issues not explicitly identified is also sought.

1. Should priority be given to age groups or levels of education within these populations? If so, which? And for what reasons?

2. Should rural areas be identified? If so, how (at a general or very specific level) and which ones?

3. To what extent do the needs of rural areas differ in terms of regional location?

4. Should the needs of minority or bilingual populations be identified? If so, in what way?

5. What emphasis should be given to research and what types?

6. What emphasis should be given to materials development or training?

7. How can OE avoid funding programs which require substantial continuing outside funding because they are not tied to any ongoing institutions or they are connected to institutions which cannot afford to take them over?

8. How should supplementary criteria for this priority area be formulated?

The two priority areas cited above were identified in June 1975 in the earliest planning documents for FY 1977 and were submitted to Congress in January 1976 for consideration for funding under the FY 1977 appropriation. The public is invited to comment on the merits of these proposed priority areas.

GENERAL COMMENTS ON PRIORITY AREAS

The Office of Education also solicits comments on general matters related to the use of priority areas in the development of national capacity to meet the needs in educational equity for women.

1. Should new priority areas be added each year? Should they be added only if there is an increase in the appropriation over previous years?

2. When should priority areas of previous years be phased out?

3. Should the regulation which describes the priority area provide great specificity about the most important concerns developed as a result of public input such as that solicited in this Notice, or should the priority be described in very general terms giving much less guidance to applicants?

SMALL GRANTS

Public comments are also solicited on the possibility of providing focus to the small grant program (which provides for grants of $15,000 or less) which is described in § 160f.13 of the regulation. The regulation now leaves wide discretion to support "innovative approaches to the attainment of equity in education for women." Priority is given under the regulation to applications which do not duplicate those funded under the general grant priorities. Small grants are also limited to projects which contribute to capacity building. Scholarships and fellowships to individuals are excluded.

Experience in the FY 1976 competition indicated, however, that a great many of the applications for small grants resembled the general grant priorities very closely. A number of other applications did not contribute to capacity building but typically provided add-on personnel for institutional support. A few requests for scholarships were received.

Answers are sought to the following questions.

1. Should focus be provided to the small grant program?

2. What are special areas of concern which might provide direction to the small grant program? For example, small grants could extend priority consideration to research activities, particularly that research directly leading to utilization. School-community activity in the area of reducing sex bias in education is another possible priority area.

3. Comments are also solicited on the desirability in FY 1978 (not FY 1977) of changing the requirement that all projects contribute to national capacity and not local benefits, so that educational institutions and organizations would have some sort of support under the small grant program to utilize model materials and program products that would have been developed under WEEA projects in Fiscal Years 1976 and 1977.

4. Is it desirable to encourage more individuals to submit applications to the small grant program, since they are not eligible for indirect costs and therefore most of the full $15,000 can be concentrated on program activity? The first year's experience revealed, as had been foreseen by several public comments on the proposed regulation, that indirect costs for small grants, which have a $15,000 ceiling, consumed a good portion of the funds, leaving very little for project activity.

REVISIONS TO CERTAIN ADMINISTRATIVE PROCEDURES

The Office of Education solicits advice on the preapplication process and on certain supplementary evaluation criteria for applications. The public is, of course, invited to comment on other matters covered by the regulation. It is not presently anticipated that there will be substantial revisions to other sections of the regulation, since the initial proposed regulation for the program received many comments of a wide-ranging and detailed nature and many changes were incorporated in the final regulation. It is hoped by soliciting advice through this Notice on certain substantive and procedural changes in basic program policy and as few technical changes as possible that the proposed revision to the WEEA regulation can be developed, approved, and published before the end of the calendar year, so that the solicitation of grant applications can be initiated as quickly as possible.

PREAPPLICATION PROCESS

The preapplication process was utilized in FY 1976 in the WEEA Program. Over 800 preapplications for general grants were received and reviewed, and 140 applicants were invited to submit full applications.

Members of the public have commented favorably on the use of the preapplication, since it gives early feedback to applicants who may avoid expending substantial resources of time and money to develop full applications which have little chance of being funded. To the extent that preapplicants not eligible or with low priority projects abide by OE's suggestion and do not submit an application, the use of the process also saves the Government additional funds which would be required to provide reviews of a large number of applications.

In utilizing the preapplication process this past year, however, certain problems have been identified which the Office of Education intends to remedy. The issues and alternative solutions are presented below. The public is encouraged to suggest additional alternatives.

1. Should the preapplication process be used and under what conditions relating to time constraints?

Alternative one. Preapplications would be solicited ideally before the end of the calendar year, perhaps on the basis of only a proposed, not final, revision to the complete regulation published at the same time as the solicitation. The preapplications would be reviewed and applicants notified whether they were encouraged to submit a full application. Then a sufficient time period would elapse to permit the Office of Education staff to provide time for a preapplication conference with those applicants whose preapplications were invited. In this conference they would discuss weaknesses or problems identified in the preapplication and other issues which might arise in the development of the full application. The full application would be submitted after this time period. Those applicants who were not invited to submit applications could still exercise the right to submit a full application but would not have access to a preapplication conference with OE staff and would receive comments on general weaknesses in the preapplications and only brief comments on individual preapplications. Available staff would not permit conferences with those not invited nor with anyone who wished to submit an application and had not gone through the preapplication process.

Alternative two. Preapplications would not be used at all, judging that their value to applicants and to the government would diminish after the first year's competition.

Alternative three. Preapplications would be used only if the solicitation could be initiated early enough to provide the time and discussion described in alternative one. If the revision to the regulation is published too late, for example, after the first of January, the process would not be utilized and full applications would be required of all.

2. What information should be contained in the preapplication?

Alternative one. The Office of Education would need information about all aspects of what would constitute the final application in order to make a judgment about both the idea and the potential to compete successfully in terms of the evaluation criteria which would be used for final applications. This would mean addressing all items required to predict applications of high quality: such as, needs, objectives, procedures, capacity building, dissemination, cultural diversity, evaluation, management, applicant and staff qualifications, and applicant resources. Under this alternative, one of the most difficult problems is the development of criteria for evaluation. It is difficult to measure potential and to predict competitiveness. To be certain that an applicant will be able, for example, to develop a good evaluation design, there is a danger of requiring so much in the preapplication that its purpose is almost negated. Those members of the public who endorse this first alternative are invited to comment on the development of criteria.

Alternative two. The Office of Education after the first year of project administration only needs enough information to know whether the proposed project would address areas not being covered by other funded projects and whether the project would, by its nature, enhance the extent to which the program develops national capacity to respond to the achievement of educational equity for women. Therefore, the preapplication would not address so many items and would be briefer, though placing greater emphasis on the fewer items. It would include objectives, procedures, contribution to capacity building needs, what products or materials are being developed, at what cost, what is the plan for dissemination, and applicant and staff qualifications. Under this alternative, the review cannot predict how the applicant might compete in terms of a number of aspects which count significantly in the final criteria for review of applications, e.g., evaluation, validation, plan of operation, management plan, cultural diversity. In some cases, thus, applicants who may not compete so well in the final review may be encouraged on the basis of the preapplication review to develop applications.

Criteria for the review of preapplications under this alternative also contain problems. Only the staff could review preapplications to identify whether the proposed project duplicates to some extent a project which has already been funded. What criteria should be used when a proposed project does duplicate to some extent a project in a similar area, but is of unusual interest and high quality? Comments on the development of criteria are also solicited from those endorsing this alternative.

3. If preapplications were eliminated, would fewer institutions and organizations compete for the very limited funds available? If so, would this be desirable?

4. What should the length of the preapplication be? Should lengthy vitas, bibliographies, and appendices be reviewed? This year a maximum of 10 pages was permitted. Most applicants felt comfortable with this limit. Some were frustrated because they felt the need to include lengthy bibliographies, vitas, etc.

SUPPLEMENTARY CRITERIA FOR SMALL GRANTS AND GENERAL GRANTS/OTHER

Whereas general grants in the priority areas may earn an additional 50 points from the supplementary criteria for each priority area, applications for small grants and applications outside the priority areas may earn an additional 25 points. In the regulation at § 160f.10(a)(2)(iv), the 25 points are awarded on the basis of "the extent to which a proposed project for general grants outside a designated priority area or for small grants meets an urgent and critical need in the initial implementation of the Act." There are three problems which the Office of Education sees:

(a) All the points are awarded for only one item;

(b) The item is too subjective; and

(c) The item is not appropriate for use by reviewers after the first year of Program implementation.

Public comments are solicited on the identification of other problems and on suggestions for the revision of the distribution of these 25 points.

INFORMATION ON SUBSEQUENT PROCEDURES

No applications should be submitted to the U.S. Office of Education in response to this Notice. A definitive statement of proposed revisions for the program will be published at a later date in the FEDERAL REGISTER under notice of proposed rulemaking with opportunity for public comment. It is expected that guidance will then be given to applicants regarding those areas within the present priorities in which projects were not funded in FY 1976 and which will receive high priority for FY 1977. Likewise, those areas in which applications are not encouraged will be indicated.

INVITATION TO COMMENT

Persons or organizations wishing to submit comments or suggestions on the matters raised in this Notice of Intent should write to the Director, Women's Program Staff, U.S. Office of Education, 400 Maryland Avenue, SW., Room 3121, Washington, D.C. 20202.

Written comments and information may be submitted in any form, such as by means of letters, position papers, or memoranda. There are no special rules concerning format. All comments must be received not later than December 6, 1976.

Comments received in response to this Notice will be available for public inspection in the above office between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday of each week.

To enable the office to benefit fully from the public's views on the various questions raised in this notice, the Office of Education will also seek to hold meetings with interested persons and organizations after publication of the notice of proposed rulemaking which will be developed from the comments on this Notice. Such meetings will focus on a broad discussion of the various ideas, comments, and recommendations presented to OE for consideration. In addition, at those meetings, OE representatives will be prepared to answer or discuss questions concerning the existing WEEA regulation. Persons and organizations desiring to participate in such meetings should so advise the Women's Program Staff as promptly as possible at the address above. In this way, the public would have face to face communication regarding the proposed revisions to the program regulation and the use of its advice following the Notice of Intent.

(20 U.S.C. 1866.)

Dated: October 13, 1976.

(Catalog of Federal Domestic Assistance Number 13.565; Women's Educational Equity Act Program.)

ROBERT R. WHEELER,
Acting U.S. Commissioner of Education.

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